

ESTA Charter Services Policy and Procedures
Effective May 1, 2023

Revisions: Appendix A

POLICIES & PROCEDURES FOR CHARTER SERVICES

ARTICLE I, PURPOSE

The purpose of this document is to establish the Eastern Sierra Transit Authority (ESTA) policy and procedures governing the operation of charter bus service incidental to normal public transit services. Specifically, the purpose of this policy is to implement California Code of Regulations 49 CFR 604, 49 USC 5301, and 23 USC 103(e)(4), 142(a), 142(c) which protects private charter operators from unauthorized competition from recipients of Federal financial assistance under Federal Transit Laws.

ARTICLE II, BACKGROUND

ESTA is the local public transit service provider in Inyo and Mono Counties. ESTA is a qualified Federal Transit Administration subgrantee. ESTA's role as a public agency is to treat all citizens, groups, and political jurisdictions equally. Consequently, pricing of all charter services must be determined on a uniform basis. Additionally, ESTA must certify compliance with Federal charter service regulations as part of its annual Certifications and Assurances to the FTA.

ESTA is governed by its eight-member Board of Directors, comprised of representatives from the cities of Mammoth Lakes and Bishop, and the counties of Inyo and Mono. The Board is charged with budget-making and policy development responsibilities.

ARTICLE III, DEFINITIONS

- (1) "Federal Transit Laws" means 49 U.S.C. 5301 et seq., and includes 23 U.S.C. 103(e)(4), 142(a), and 142(c), when used to provide assistance to public transit agencies for purchasing buses and vans.
- (2) "Administrator" means the Administrator of the Federal Transit Administration or his or her designee.
- (3) "Charter service" means, but does not include demand response service to individuals:
 - (a) Transportation provided by ESTA 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
- (b) Transportation provided by ESTA 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.
 - (4) "Charter hours" means total hours operated by drivers, buses, or vans while in charter service including:
 - (a) 30 minutes for a pre-trip vehicle safety inspection and 10 minutes for a post-trip inspection daily;
 - (b) Hours operated while carrying passengers for hire, plus
 - (c) Associated deadhead hours.
 - (5) "Exclusive" means service that a reasonable person would conclude is intended to exclude members of the public.
 - (6) "Government official" means an individual elected or appointed at the local, state, or Federal level.
 - (7) "Interested party" means an individual, partnership, corporation, association, or other organization that has a financial interest that is affected by the actions of ESTA providing charter service under the Federal Transit Laws. This term includes states, counties, cities, and their subdivisions, and tribal nations.
 - (8) "Program purposes" means 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.
 - (9) "Qualified human service organization (QHSEO)" means 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).
 - (10) "Registered charter provider" means a private charter operator that wants to receive notice of charter service requests directed to ESTA and has registered on FTA's charter registration Web site.
 - (11) "Registration list" means the current list of registered charter providers and qualified human service organizations maintained on FTA's charter registration website.

ARTICLE IV, EXCEPTIONS

The purpose of this subpart is to identify the limited exceptions under which ESTA may provide community-based charter services. Although the FTA identifies a total of six possible exceptions, ESTA will only consider four exceptions that are applicable to its operating environment:

- (1) Government officials on official government business:
 - (a) ESTA may provide charter service to government officials (Federal, State, and local) for official government business, which can include non-transit related purposes, if ESTA:
 - (i) Provides the service in its geographic service area;

- (ii) Does not generate revenue from the charter service, except as required by law; and
- (iii) After providing such service, records the following:
 - (1) The government organization's name, address, phone number, and email address;
 - (2) The date and time of service;
 - (3) The number of passengers (specifically noting the number of government officials on the trip);
 - (4) The origin, destination, and trip length (miles and hours);
 - (5) The fee collected, if any; and
 - (6) The vehicle number for the vehicle used to provide the service.

ESTA shall be limited annually to 80 charter hours for providing trips to government officials for official government business. At least one ESTA government official must be on-board the charter.

(2) Petitions to the FTA Administrator:

- (a) ESTA may petition the Administrator for an exception to the charter service regulations to provide charter service directly to a customer for:
 - (i) Events of regional or national significance;
 - (ii) Hardship (only for non-urbanized areas under 50,000 in population or small urbanized areas under 200,000 in population); or
 - (iii) Unique and time sensitive events (e.g., funerals of local, regional, or national significance) that are in the public's interest.
- (b) The petition to the Administrator shall include the following information:
 - (i) The date and description of the event;
 - (ii) The type of service requested and the type of equipment;
 - (iii) The anticipated number of charter hours needed for the event;
 - (iv) The anticipated number of vehicles and duration of the event; and
- (1) For an event of regional or national significance, the petition shall include a description of how registered charter providers were consulted, how registered charter providers will be utilized in providing the charter service, a certification that the recipient has exhausted all of the registered charter providers in its geographic service area, and submit the petition at least 90 days before the first day of the event described in paragraph (b)(i) of this section;
- (2) For a hardship request, a petition is only available if the registered charter provider has deadhead time that exceeds total trip time from initial pickup to final drop-off, including wait time. The petition shall describe how the registered charter provider's minimum duration would create a hardship on the group requesting the charter service; or
- (3) For unique and time sensitive events, the petition shall describe why the event is unique or time sensitive and how providing the charter service would be in the public's interest.
- (c) Upon receipt of a petition that meets the requirements set forth in paragraph (b) of this section, the Administrator shall review the materials and issue a written decision denying or granting the request in whole or in part. In making this decision, the Administrator may seek such additional information as the Administrator deems necessary. The Administrator's

decision shall be filed in the Petitions to the Administrator docket, number FTA-2007-0022 at [http:// www.regulations.gov](http://www.regulations.gov) and sent to the recipient.

- (d) Any exception granted by the Administrator under this section shall be effective only for the event identified in paragraph (b)(i) of this section.
- (e) ESTA shall send its petition to the Administrator by facsimile to (202) 366-3809 or by e-mail to ombudsman.charterservice@dot.gov.
- (f) ESTA shall retain a copy of the Administrator's approval for a period of at least three years and shall include it in the quarterly report posted on the charter registration Web site.

(3) Qualified Human Services Organizations:

- (a) ESTA may provide charter service to a qualified human service organization (QHSO) for the purpose of serving persons:
 - (i) With mobility limitations related to advanced age;
 - (ii) With disabilities; or
 - (iii) With low income.
- (b) If an organization serving persons described in paragraph (a) of this section receives funding, directly or indirectly, from the programs listed in Appendix A of 49 CFR 604, the QHSO shall not be required to register on the FTA charter registration Web site.
- (c) If a QHSO serving persons described in paragraph (a) of this section does not receive funding from any of the programs listed in Appendix A of 49 CFR 604, the QHSO shall register on the FTA charter registration Web site in accordance with 49 CFR 604.15.
- (d) ESTA providing charter service under this exception, whether or not the QHSO receives funding from Appendix A of 49 CFR 604 programs, and after providing such charter service, shall record:
 - (i) The QHSO's name, address, phone number, and e-mail address;
 - (ii) The date and time of service;
 - (iii) The number of passengers;
 - (iv) The origin, destination, and trip length (miles and hours);
 - (v) The fee collected, if any; and
 - (vi) The vehicle number for the vehicle used to provide the service.

(4) When no other registered charter provider responds to notice from ESTA:

When ESTA receives a request to provides charter services other than described in sections (1), (2), or (3) of this subpart, notification per 49 CFR 604.14 is required.

- (a) ESTA may provide charter service, on its own initiative or at the request of a third party, if no registered charter provider responds to the notice issued per 49 CFR 604.14:
 - (i) Within 72 hours for charter service requested to be provided in less than 30 days; or
 - (ii) Within 14 calendar days for charter service requested to be provided in 30 days or more.
- (b) ESTA shall not provide charter service under this section if a registered charter provider indicates an interest in providing the charter service set out in the notice issued pursuant to §604.14 and the registered charter

- provider has informed the recipient of its interest in providing the service.
- (c) The notification to the registered charter providers shall include:
 - (i) E-mail notice of the request shall be sent by the close of business on the day ESTA receives the request unless ESTA received the request after 2 p.m., in which case ESTA shall send the notice by the close of business the next business day;
 - (ii) E-mail notice sent to the list of registered charter providers shall include:
 - (1) Customer name, address, phone number, and e-mail 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); and
 - (5) Trip itinerary and approximate duration; and
 - (iii) If ESTA intends to provide service that meets the definition of charter service under 49 CFR 604.3(c)(2), the email notice must include the fare ESTA intends to charge for the service.
 - (d) ESTA shall retain an electronic copy of the e-mail notice and the list of registered charter providers that were sent e-mail notice of the requested charter service for a period of at least three years from the date the e-mail notice was sent.
 - (e) If a recipient receives an "undeliverable" notice in response to its email notice, the recipient shall send the notice via facsimile. The recipient shall maintain the record of the undeliverable e-mail notice and the facsimile sent confirmation for a period of three years.
 - (f) After providing the service, ESTA shall record:
 - (i) The group's name, address, phone number, and e-mail address;
 - (ii) The date and time of service;
 - (iii) The number of passengers;
 - (iv) The origin, destination, and trip length (miles and hours);
 - (v) The fee collected, if any; and
 - (vi) The vehicle number for the vehicle used to provide the service.

ARTICLE V, POLICIES AND PROCEDURES

- (1) When ESTA provides charter service in accordance with one or more of the exceptions above they shall maintain the required notice and records in an electronic format for a period of at least three years from the date of the service. ESTA may maintain the required records in other formats in addition to the electronic format.
- (2) In addition to the requirements identified in paragraph (1) of this section, the records required shall include a clear statement identifying which exception ESTA relied upon when it provided the charter service.
- (3) ESTA shall post the records required on the FTA charter registration website 30 days after the end of each calendar quarter (i.e., January 30th, April 30th, July 30th, and October 30th). A single document or charter log may include all charter service trips provided during the quarter.
- (4) ESTA may exclude specific origin and destination information for safety and security reasons from the reporting in (3). If ESTA excludes such information, the record of the service shall describe the reason why such information was excluded and provide generalized information instead of providing specific origin and destination information.

ARTICLE VI, OPERATIONAL REQUIREMENTS

- (1) Geographical Charter Service Area: ESTA will offer incidental charter services with an origin within Inyo and Mono counties only.
- (2) Charter Vehicle Capacity: Each vehicle's passenger capacity is limited to its number of seats, including authorized wheelchair positions. Baggage or other property must be carried onto the vehicle by the passenger, and will be limited as to the quantity, weight, and/or size that can be safely transported. Any article that creates, in the opinion of the bus operator or other ESTA supervisor, a hazardous condition or that is likely to damage the vehicle will not be transported.
- (3) Safety Concerns on Charter Service Operations: In the interest of safety, ESTA reserves the right to refuse to operate charter service when environmental conditions dictate, including inaccessible destination sites, inclement weather, etc. Wherever practical, ESTA will cooperate with the requesting party in revising the route in order to successfully provide the charter service.
- (4) Charter Service Schedule: ESTA endeavors to maintain a mutually-agreed upon schedule but cannot guarantee arrival or departure times due to accidents, breakdowns, road conditions, inclement weather, and/or other circumstances beyond its control. ESTA assigns qualified bus operators that have been instructed to drive at speed limits prescribed by law or that are required to operate safely. ESTA shall not be held responsible for personal property that is left on its vehicles.
- (5) Charter Employee / Bus Assignments: ESTA reserves the right to assign employees to a specific job, and to substitute or replace employees without notice. Wherever possible, requests for specific bus operators will be honored.
- (6) Charter Vehicle Breakdowns: Vehicles furnished by ESTA are inspected by maintenance staff before being put into charter service to ensure safe operation. Should mechanical failure require the replacement of a vehicle originally assigned, the replacement vehicle may be of a different type; every effort will be made to provide a similar vehicle. The requesting party will not be charged for time delays or additional miles traveled specifically related to replacing the faulty vehicle, or for any other delays that were the direct fault of ESTA.
- (7) Dealing with Objectionable Passengers on Charter Services: ESTA reserves the right to refuse to transport a person:
 - a. Under the influence of alcohol or drugs, and/or
 - b. Whose conduct is such, or likely to become such, as to make him/her objectionable to other persons. Persons who conduct themselves in an objectionable manner will be reported to law enforcement officials.
- (8) Limited Availability of Charter Services in Peak Periods: For the purpose of this Policy and Procedures, peak periods are defined as Monday through Friday from 7:00 AM to 7:00 PM. ESTA reserves the right to operate limited charter bus service, where appropriate, during peak periods where regularly scheduled services will not be adversely affected.
- (9) Charter Vehicle Service Hours and Miles: The requesting party will be charged according to the vehicle service hours operated; a minimum of four vehicle service hours will be charged for each chartered vehicle. The

following definitions will be used:

a. A vehicle service hour is defined as that incremental amount of time that each chartered vehicle is in service, from the time that the vehicle departs from the dispatched point on its way to the party's requested location until the time it returns to the ESTA garage or point where the vehicle engages in another service. Vehicle service hours include idle time and deadhead time, as well as vehicle safety check-out time (30 minutes) and check-in time (10 minutes).

b. A vehicle service mile is defined as the incremental miles traveled that each chartered vehicle is in service, from the vehicle departure point at the dispatched point on its way to the party's requested location until the miles accumulated in reaching the ESTA garage or point where the vehicle engages in another service.

All charter vehicle service hours and miles will be deducted from the "useful life" of each vehicle used as defined by the FTA.

(10) Charter Rates: Rates will be determined annually as part of the ESTA budget-making process or as amended by the ESTA Board (see Appendix A).

(11) Damage to Vehicles on Charter Services: All expenses related to repairing damage to vehicles resulting from acts of the contracting party or its users shall be charged to the contracting party, and will be payable upon presentation of invoice (or retention of deposit, as appropriate). Damage repairs completed by ESTA staff will be billed at \$125.00 per hour, in addition to any parts and associated materials. Repairs completed by outside vendors will be charged at the full invoice cost, plus 5 percent for overhead charges. If the vehicle is rendered inoperable, the chartering party will be charged \$125.00 per day that the vehicle is not available for regular ESTA service. Finally, damage includes the cleaning of biohazard waste material (i.e., vomit or urine), which will be charged at a rate of \$125 per incident.

(12) Payments for Charter Service: All customers booking charter service with ESTA must pay-in-full for service on a cash basis. Payment in full must be made within 30 calendar days from the receipt of the invoice. A deposit may also be required.

(13) Cancellations of Charter Service: Any party seeking to cancel scheduled charter services must do so at least 48 hours prior to the scheduled charter start time. If not canceled according to this requirement, the party will be charged 25 percent of the original estimated costs for the service or two vehicle service hours per bus requested (whichever is less).

(14) All parties ESTA considers for charter service must complete an application (Appendix B) and sign the agreement (Appendix C).

(15) Charter Bus Drivers will complete a daily trip sheet (Appendix D) which is available upon request.

Charter Rates

Effective Date: May 1, 2023

The following rates are approved by the ESTA Board of Directors.

Charter Type	Minimum Hours	Minimum Charter Fare	Each additional Hour	Time at Destination
Private Charter	4	\$500.00	\$125.00	\$125.00
QHSO Charters	4	\$340.00	\$85.00	\$38.00

To estimate the cost of the charter, follow these guidelines:

- (1) Charged at \$125.00/hr.
 - a. 30 minutes for pre-trip vehicle safety inspection and 10 minutes for post-trip inspection daily,
 - b. Drive time to/from destinations including travel to/from layover locations,
 - c. All deadhead time, and
 - d. Time at destination.

- (2) For QHSO charters, the time at destination (d) above is charged at \$38.00/hr. This is the time spent not driving and waiting for the event to finish.

Charter Application

Please answer the questions below. This application is not a guarantee of service. Eastern Sierra Transit Authority (ESTA) is a federally funded agency. The California Code of Regulations 49 CFR 604 requires extensive notifications, data gathering, and reporting in order for ESTA to provide charter services. There are conditions which prevent ESTA from providing certain charter services including, but not limited to, orders from the ESTA Board of Directors.

1. Business Name: _____

2. Address: _____

3. Contact Person's Name: _____

4. Phone #'s: _____ Email: _____

5. List dates, times, locations, map of routes, and total hours of each day's service (Use extra pages if needed. If the service is a loop, indicate in the notes section):

1. Date: _____ Start time: _____ Start address: _____

Notes: _____

End Time: _____ End address: _____

Notes: _____ Total Hours: _____

2. Date: _____ Start time: _____ Start address: _____

Notes: _____

End Time: _____ End address: _____

Notes: _____ Total Hours: _____

3. Date: _____ Start time: _____ Start address: _____

Notes: _____

End Time: _____ End address: _____

Notes: _____ Total Hours: _____

4. Date: _____ Start time: _____ Start address: _____

Notes: _____

End Time: _____ End address: _____

Notes: _____ Total Hours: _____

5. Date: _____ Start time: _____ Start address: _____

Notes: _____

End Time: _____ End address: _____

Notes: _____ Total Hours: _____

6. Date: _____ Start time: _____ Start address: _____

Notes: _____

End Time: _____ End address: _____

Notes: _____ Total Hours: _____

6. Frequency of service expected. For example, every 30 minutes, hourly, out and back trip, etc.

7. Approximate number of total passengers from all services requested: _____

8. Maximum number of passengers on a vehicle at the same time: _____

9. Number of wheelchairs/mobility devices that must be tied down: _____

10. Are you a Qualified Human Services Organization? Ask, if you're unsure.
Circle one: Yes or No

11. Comments: _____

ESTA Charter Agreement

ESTA requires that all recipients of charter services sign and agree to the terms of ESTA Charter Services Policy and Procedures. By signing below, you declare that you read, understand, and agree to the terms stated in this Policy.

Applicant's Signature

Date

Print Name

Town of Mammoth Lakes Office Use Only	
_____ Public Works Department Director or designee	_____ Date
_____ Recreation Department Representative Director of Designee	_____ Date
• Completed & Received TOML Special Event Permit?	Yes / No
• Approved for Measure U Funding?	Yes / No

ESTA Office Use Only
Charter Approved: _____ ESTA Executive Director
Charter Denied: _____ ESTA Executive Director
Reason for Denial: _____

Charter Driver Trip Sheet

Please complete one trip sheet per day of charter service. Use multiple sheets if necessary.

Driver Name: _____ Bus # _____

Start Miles: _____ End Miles: _____

Date: _____ Name of Charter: _____

Enter start and end times below

First Trip Total pass.

Deadhead: Start: _____ End: _____ Total time: _____

In service: Start: _____ End: _____ Total time: _____

Layover: Start: _____ End: _____ Total time: _____

Deadhead: Start: _____ End: _____ Total time: _____

In service: Start: _____ End: _____ Total time: _____

Deadhead: Start: _____ End: _____ Total time: _____

Second Trip Total pass.

Deadhead: Start: _____ End: _____ Total time: _____

In service: Start: _____ End: _____ Total time: _____

Layover: Start: _____ End: _____ Total time: _____

Deadhead: Start: _____ End: _____ Total time: _____

In service: Start: _____ End: _____ Total time: _____

Deadhead: Start: _____ End: _____ Total time: _____

Office Use Only Enter all time in Hours and/or minutes.

Pre-trip: 0 hr. 30 min Total Layover*: ___hr. ___min

Total Deadhead: ___hr. ___min Post-trip 0 hr. 10 min

In Service Hours: ___hr. ___min **Total Hours: _____hr. _____min**

*QHSO's are charged \$38/hr at layover