

## Foreword

These documents, comprised of decisions, Dear Colleague letters, and memoranda, relate to the Federal Transit Administration interpretation of its regulations pertaining to charter bus service requirements, 49 C.F.R. § 604.9 *et seq.* These materials are dated June 11, 1976, through April 22, 2004, and total 221 documents.

The charter bus statutory requirements can be found at 49 U.S.C. § 5323(d) as amended (2004), Pub. L. 93-383, 88 Stat. 633 (Aug. 22, 1974);

d) Condition on Charter Bus Transportation Service.

(1) Financial assistance under this chapter [49 USCS 65 §§ 5301 *et seq.*], may be used to buy or operate a bus only if the applicant, governmental authority, or publicly owned operator that receives the assistance agrees that, except as provided in the agreement, the governmental authority or an operator of mass transportation for the governmental authority will not provide charter bus transportation service outside the urban area in which it provides regularly scheduled mass transportation service. An agreement shall provide for a fair arrangement the Secretary of Transportation considers appropriate to ensure that the assistance will not enable a governmental authority or an operator for a governmental authority to foreclose a private operator from providing intercity charter bus service if the private operator can provide the service.

(2) On receiving a complaint about a violation of an agreement, the Secretary of Transportation shall investigate and decide whether a violation has occurred. If the Secretary decides that a violation has occurred, the Secretary shall correct the violation under terms of the agreement. In addition to a remedy specified in the agreement, the Secretary may bar a recipient under this subsection or an operator from receiving further assistance when the Secretary finds a continuing pattern of violations of the agreement.

When using the indexes, you should be mindful that the regulations were first promulgated in 1976, but drastically revised in 1987. The pre 1987 amendment decisions are included mainly for historical purposes. For a more extensive discussion of Charter Bus Service requirements, see Section 8, Volume 5, Transit Law, TRB's *Selected Studies in Transportation Law* (Dec. 2004). The regulations are much more extensive and can be found at 49 C.F.R. § 604.9 *et seq.*

There are three indexes: 1) an alphabetical listing of the 221 documents; 2) Charter Document by Federal Transit Administration Regions; and 3) a Subject and Issue Index.