North Central Regional Transit District (NCRTD)

Resolution No. 2017-03

ADOPTING A REVISED CHARTER SERVICE POLICY AND RESCINDING RESOLUTION 2015-20 DIRECTING THE NORTH CENTRAL REGIONAL TRANSIT DISTRICT (NCRTD) TO PROVIDE CHARTER SERVICE IN THE BOUNDARIES OF THE NCRTD WITHIN COMPLIANCE OF THE FEDERAL TRANSIT ADMINISTRATION, DOT 49 CFR PART 604.5.

WHEREAS, the NCRTD was created through legislative enactment (NMSA 1978, Sections 73-25-1 through 73-25-19); and

WHEREAS, the NCRTD is a subdivision of the State of New Mexico with all the authority and duties of the same; and

WHEREAS, the Board has the authority to make and pass resolutions necessary for the execution of the powers vested in the District; and

WHEREAS, The Board recognizes by having a charter policy that provides for charter service for government officials, for qualified human service organizations (QHSo), for Member entities and third parties when no registered charter provider responds to notice.; and

WHEREAS, Member entities may be eligible for one (1) limited charter service per year at no charge for services; and


Daniel R. Barrone, Chair

Approved as to form:

Peter Dwyer, Counsel
NORTH CENTRAL REGIONAL TRANSIT DISTRICT
CHARTER POLICY

PREAMBLE:

The North Central Regional Transit District ("NCRTD") is a recipient of federal funds and, as such, has limited authority to provide charter bus services.

Charter service is defined under federal regulations as "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." 49 CFR 604.2 The term "Charter Service", as used in this policy, shall mean the preceding definition as further delimited under this policy.

The Federal Transit Administration (FTA) generally prohibits grantees and sub grantees from providing charter service if a registered private charter operator expresses interest in providing the service. However, the rules regulating NCRTD provision of Charter Service do have exceptions and this policy sets forth the terms and conditions under which the NCRTD may provide Charter Services. All Charter Services by the NCRTD are provided only at the NCRTD’s sole and exclusive option and nothing herein is intended to mandate or require the provision of Charter Services by the NCRTD. In accordance with federal regulations, 49 CFR Parts 604.5 - 604.12, and 604.14 the NCRTD may provide charter service pursuant to federal regulations:

a. for government agencies and officials, (49 CFR 604.6); or

b. for specifically qualified human service organizations. (QHSO) (49 CFR 604.7); or

c. when the service is requested and no registered charter provider responds to notice. (49 CFR 604.9) The Executive Director is charged with interpreting and implementing this policy and is hereby granted express authority to interpret the terms and definitions set forth in this policy. Whether a particular request is deemed a Charter Service, a service qualifying for a federal exception from Charter Service, a member service, or a District Operation may require interpretation of the relevant laws and this policy. Nothing herein shall be deemed to prohibit the District from providing member services, and District services that are not deemed Charter Services.

Charter Services Shall Not Interfere with Existing Services

It is the general policy of the NCRTD to prioritize the consistent delivery of established NCRTD services set forth in the NCRTD’s service plan. Charter Services are supplemental services and shall not preclude or interfere with the general NCRTD services set forth in the service plan. The NCRTD generally will consider applications for Charter Services during off-peak hours of operation (weekdays 9:00 a.m. to 3:00 p.m. and 6:00 p.m. to 12:00 a.m., or Saturdays, or Sundays). Applicants may seek Charter Services at any time but should consider minimizing the impact on existing NCRTD services at the time of application.

1. Applications for Charter Service

Any individual or organization wishing to obtain Charter Services from NCRTD must first request service from the registered charter providers within the geographical area in which the service is to be provided.
A list of registered charter providers can be found on the FTA Charter website:


Requests shall include the following information:
- Name of Individual or Organization, phone number and email address;
- Date(s) of Service;
- Hours of Service;
- Approximate number of Passengers;
- Types of vehicles requested;
- Itinerary, Agenda or Schedule of Events

In the event that the requesting Individual or Organization does not receive a response (within 72 hours for service to be rendered in the next 30 days or within 14 days for services to be rendered more than thirty days from the date of request) from a registered charter provider, the requesting individual or organization may then apply for NCRTD Charter Services by completing an application on a form prescribed by the NCRTD.

The Individual or Organization requesting Charter Services must include the following information in the application:
- Name of Individual or Organization, phone number and email address;
- Date(s) of Service;
- Hours of Service;
- Approximate number of Passengers;
- Types of vehicles requested;
- Itinerary, Agenda or Schedule of Events;
- Any fees or charges that may be assessed or collected for transit or transit related services whether by or for the NCRTD, or the applicant, or any third party;
- A dated copy of the prior request issued pursuant to 49 CFR 604.9 and 604.14 to existing registered charter providers or an explanation why notice has not been sent or is not required.

The Executive Director will designate an NCRTD staff person to handle inquiries for charter service. The NCRTD staff person will provide all applicants with forms, policies and information necessary to make application for Charter Services.

Applicants that are government agencies or non-profit organizations may be required to provide certification of tax-exempt status.

Upon receipt of application and required documentation, NCRTD will submit via email a copy of all requests to the New Mexico Department of Transportation (NMDOT). The NCRTD shall not enter into a Charter Services Agreement with the applicant for a minimum of 72 hours following submission of the application to NMDOT in order to provide NMDOT an opportunity to review and comment on the application prior to NCRTD approval of the Charter Services Agreement.

Although applicants may be eligible for Charter Services, all Charter Services are discretionary and the NCRTD is only obligated to provide Charter Services pursuant to a Charter Services Agreements.
II. Liability

All parties chartering NCRTD vehicles will be required to provide the NCRTD with insurance coverage, indemnification and other financial assurances as may be reasonably required by the NCRTD to ensure that it does not incur increased costs or liabilities from the operation of the charter service.

III. Seating Capacity

The seating capacity of NCRTD vehicles range from 12 to 44 passenger seats. The NCRTD complies with the Americans with Disabilities Act (ADA), and is able to provide wheelchair lift equipped vehicles. NCRTD vehicles can accommodate and secure one or two wheelchairs per vehicle but each wheel chair space reduces the vehicle seating capacity by 4 seats. Applicants should consider seating capacity needs at the time of application and inform the NCRTD in advance of any known seating capacity issues or ADA related needs.

IV. Charges for Charter Services

It is the intent of the NCRTD to minimize costs to NCRTD member entities of member services. The NCRTD may charge more comprehensive costs to non-member entities seeking Charter Services. The hourly rates charged for Charter Service are established under this policy but shall be subject to change by the Executive Director so long as charges and rates are uniformly charged to non-member entities within any given fiscal year.

Any additional charges incurred as direct expenses by the NCRTD including but not limited to tolls, parking fees, entrance fees, or other expenses shall be added to the hourly rate charge and reimbursed to the NCRTD by the applicant upon delivery of the Charter Services.

NCRTD Member entities may apply for one (1) limited service per fiscal year (July-June) at no charge to the NCRTD Member entity, on a first come first serve basis. The Executive Director shall have the authority to determine whether a request qualifies as a single service, the availability of district capacity for service and the number of hours required to perform the service and to apply the hours of member services toward the annual cap on member services as necessary.

The NCRTD will budget for a maximum of 160 member service hours for NCRTD member entities. All member services are limited by and to the amount budgeted by the NCRTD for the services. Therefore, since these services are provided on a first come first serve basis, it is likely that the budgeted service hours may be exhausted prior to the end of the fiscal year. In this case, the NCRTD staff is not required to provide the requested member services.

Nothing herein shall be deemed to prohibit the District from providing member services, and District services that are not deemed Charter Services or to amend or alter its general services, its service plan or its budget to provide additional or special services approved by the Board.
V. Charter Services Agreements

Applicants receiving approval for Charter Services shall be required to enter into a Charter Service Agreement with the NCRTD. The NCRTD will provide an initial cost estimate at the time of entering into the Charter Services Agreement. Incidental costs (as described above) may be added after the service has been provided. Each Charter Service Agreement shall require a deposit of $300 when the Charter Service Agreement is signed. If need be, at the conclusion of the service, the chartering party will be invoiced for any outstanding costs above and beyond the initial deposit and cost estimate.

VI. Cancellations

If an applicant wishes to cancel the Charter Service, the NCRTD will require a minimum of 48 hour notice in order to reduce costs and impacts on other NCRTD operations. The NCRTD will retain 50% of the deposit in order to reimburse it for its administrative efforts to schedule and process the Charter Service request. Furthermore, failure to cancel the Charter Service as noted herein will result in the NCRTD charging the full cost of the scheduled Charter Service.

In the event of inclement weather the NCRTD, in its sole discretion, may waive or modify this notice requirement or cancel the service where it deems the weather to pose unacceptable safety risks.

Nothing herein shall be deemed to modify or waive specific requirements and obligations of the chartering party under a signed Charter Services Agreement and the NCRTD may hold a chartering party responsible for any costs it incurs due to delay in providing notice or cancellation of services.

VII. Service Standards

Charter Services shall be delivered by the NCRTD pursuant to its current prevailing service standards. Applicants should inquire about any specific or special requirements for their Charter Services and any exceptions to general NCRTD service standards shall be set forth in the Charter Services Agreement.

In general the NCRTD:

A. Endeavors to maintain the time of arrival at points of destination but does not guarantee to arrive at or depart from any point at a specific time.
B. May incur delays caused by accidents, breakdowns, road conditions, storms and other circumstances beyond its control.
C. Assigns qualified operators that have been instructed to drive at a speed within limits prescribed by law, and compatible with safe operations.
D. Does not accept responsibility for personal property when left on the vehicle by passengers when disembarking.

VIII. Equipment Vehicles

Wherever possible, requests for specific vehicles will be honored, but cannot be guaranteed. Should mechanical failure of equipment make it necessary for the
replacement of a vehicle originally assigned to the service, the replacement vehicle may be of a different type. Every effort shall be made by NCRTD to provide equipment as similar to the original as possible.

IX. Equipment Repairs

All costs of repairing damage to vehicles resulting from acts of members of the chartering party shall be charged to the chartering party.

X. Baggage

NCRTD drivers generally do not check or handle passenger baggage, load passenger equipment or property unless required to do so in assisting with ADA compliance. Passengers may carry on their own baggage and property as long as the baggage can be safely stowed on the vehicle, or can be held or restrained by the passenger. Any property or baggage that creates, in the opinion of the operator of the vehicle or other NCRTD employee, a hazardous condition or is likely to damage the vehicle will not be transported. Flammable or other dangerous substances or articles shall not be brought on board the vehicle.

XI. Other NCRTD Restrictions

General passenger and service restriction imposed by other policies of the NCRTD shall apply to charter services including, but not limited to restriction on smoking, passenger conduct, firearms, alcohol, and all restrictions expressly posted on the vehicles.

XII. Public Relations and Related Service

NCRTD may provide promotion and support for Charter Services as long as said services are consistent with the NCRTD’s advertising policies and the additional services are agreed to in writing by the NCRTD and the applicant.

XIII. Volunteer or Donated Services

The NCRTD will not request volunteer drivers for any Charter Services and will not credit or discount Charter Services costs for any volunteer drivers utilized. It is the NCRTD’s policy to only use NCRTD employees for Charter Services and any operation of NCRTD vehicles by volunteers or non-NCRTD employees shall require the prior written approval of the Executive Director.

XIV. Non-Charter Services

The following services are not deemed Charter Services and do not require notification to the NMDOT and may be provided notwithstanding the provisions of this Charter Services Policy.

A. Educational Events

NCRTD vehicles may be used for events during which NCRTD employees educate groups of people on how to use the NCRTD system. The use of a vehicle for this type of event needs to be requested by a senior staff member of the NCRTD and approved by the Transit Operations and Facilities Director. The Transit Operations and Facilities
Director will confirm vehicle availability prior to approval. The Transit Operations and Facilities Director shall also verify and approve the educational nature of the event prior to approval.

B. Stationary Vehicles

NCRTD vehicles may be used for any event at which the vehicle will be stationary and no passengers will be carried. The use of a vehicle for this type of event needs only to be requested by a senior staff member of the NCRTD and approved by the Transit Operations and Facilities Director. The Transit Operations and Facilities Director will confirm vehicle availability prior to approval.

C. Parades

NCRTD vehicles may be used as a feature in a parade if the general public is not being carried and NCRTD is providing the vehicle free of charge. This service would need to be requested by the Public Information Officer and approved by the Transit Operations and Facilities Director and the Executive Director.

If NCRTD is charging for the use of the vehicle and/or the general public will be carried on the vehicle, the parade organizers must complete the charter services application process outlined above. The same hourly rate will be charged for parades as for any other charter service.

D. Supplementary Services

Any enhanced or supplemental service the NCRTD elects to provide which increases capacity on existing NCRTD fixed routes are deemed supplementary services and are not Charter Services.[AM1].

E. Member services delivered to District members pursuant to this policy.

XV. Reporting

Upon completion of the Charter Service, NCRTD shall submit a completed FTA Exceptions Charter Report Form to NMDOT for submission to the FTA Charter Reporting website.
North Central Regional Transit District  
Charter Rates  
Effective January 13, 2017

PRICE PER HOUR PER VEHICLE

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- NCRTD’s minimum charter billing period is three (3) hours. All charters scheduled in excess of five (5) hours must allow for a meal break for the driver.

- Charter rates include pre trip/post trip and deadhead hours to and from NCRTD facilities.

- Applications for charter service will be considered on a first come first serve basis.

- A deposit of $300 must be submitted upon execution of the Charter Service Agreement. If the Charter Service is cancelled the NCRTD will retain 50% of the deposit to cover its time and efforts in processing the request.

Cancellations must occur 48 hours prior to the scheduled Charter Service. Failure to do so will result in the NCRTD charging the full cost of the scheduled Charter Service.