

A: FTA views trolleys as buses. Thus, all the privately owned buses must be engaged in service and unavailable before a transit agency may lease its trolley. Alternatively, the transit agency could enter into an agreement with all registered charter providers in its geographic service area to allow it to provide trolley charter services.

(71) Q: How does a transit agency enter into an agreement with all registered charter providers in its geographic service area?

A: A public transit agency should send an email notice to all registered charter providers of its intent to provide charter service. A registered charter provider must respond to the email notice either affirmatively or negatively. The transit agency should also indicate in the email notification that failure to respond to the email notice results in concurrence with the notification.

(72) Q: Can a registered charter provider rescind its affirmative response to an email notification?

A: Yes. If after further consideration or a change in circumstances for the registered charter provider, a registered charter pro-

vider may notify the customer and the transit agency that it is no longer interested in providing the requested charter service. At that point, the transit agency may make the decision to step back in to provide the service.

(73) Q: What happens after a registered charter provider submits a quote for charter services to a customer? Does the transit agency have to review the quote?

A: Once a registered charter provider responds affirmatively to an email notification and provides the customer a commercially reasonable quote, then the transit agency may not step back in to perform the service. A transit agency is not responsible for reviewing the quote submitted by a registered charter provider. FTA recommends that a registered charter provider include in the quote an expiration date for the offer.

[73 FR 44931, Aug. 1, 2008]

APPENDIX D TO PART 604—TABLE OF POTENTIAL REMEDIES

Remedy Assessment Matrix:

Extent of Deviation from Regulatory Requirements

| Economic Benefit | | | |
|---------------------|------------------------------------|------------------------------------|------------------------------------|
| | Major | Moderate | Minor |
| | Major | Moderate | Minor |
| | Minor | Major | Moderate |
| | \$25,000/violation to 20,000 | \$19,999/violation to 15,000 | \$14,999/violation to 11,000 |
| | \$10,999/violation to 8,000 | \$7,999/violation to 5,000 | \$4,999/violation to 3,000 |
| | \$2,999/violation to 1,500 | 1,499/violation to 500 | \$499/violation to 100 |

FTA's Remedy Policy

- This remedy policy applies to decisions by the Chief Counsel, Presiding Officials, and final determinations by the Administrator.
- Remedy calculation is based on the following elements:

- (1) The nature and circumstances of the violation;
- (2) The extent and gravity of the violation ("extent of deviation from regulatory requirements");
- (3) The revenue earned ("economic benefit") by providing the charter service;
- (4) The operating budget of the recipient;
- (5) Such other matters as justice may require; and

- (6) Whether a recipient provided service described in a cease and desist order after issuance of such order by the Chief Counsel.

[73 FR 44935, Aug. 1, 2008; 73 FR 46554, Aug. 11, 2008]

PART 605—SCHOOL BUS OPERATIONS

Subpart A—General

Sec.

605.1 Purpose.

605.2 Scope.

605.3 Definitions.