

PROTECT PUBLIC TRANSPORTATION SERVICES TO PUBLIC EVENTS

From: The Honorable Adam B. Schiff

Sent By: allison.rose@mail.house.gov

Date: 5/20/2009

PROTECT PUBLIC TRANSPORTATION SERVICES TO PUBLIC EVENTS

Dear Colleague:

If you have public transit service and/or public cultural and sporting events in your district, we hope you will join us in correcting a recent overreaching government regulation which has disqualified local public transit agencies from transporting fans and patrons to these public events. Below we highlight some unintended consequences of this regulation and ask you to join us in putting transit and charter bus services back on equal footing.

For years, organizers and sponsors of public events such as concerts and football games have been able to alleviate the problems of traffic congestion and limited parking by contracting with public transit authorities to provide transport for their attendees.

Effective April 1, 2008, the Federal Transit Administration (FTA) issued a new charter bus regulation which incorrectly labeled certain public transportation services to cultural events as charter bus services, and thus disqualified public transit authorities from providing them.

Fans and patrons of sporting and cultural events around the country have been adversely affected by this unfortunate mistake:

- In the Washington, DC, area, the **Washington Metropolitan Area Transit Authority** (WMATA) previously ran 300 buses to the annual **Andrews Air Force Base Air Show**, a large event which was held just this past weekend. Metro is no longer permitted to provide this service despite major Air Force security concerns with charter buses which have very large closed luggage areas beneath the seats and which are operated by non-certified personnel.
- Likewise, Metro previously ran public buses to each **Redskins** game, as well as to **Wolf Trap** concerts in northern Virginia. As a result of the FTA regulation, Metro has also been disqualified from providing these services as well.
- At the recent **Kentucky Derby** in **Louisville**, public buses operated by TARC (Transit Authority of River City) were also supplanted by private companies which used both school buses and charter buses, and charged substantially higher fares to transport horseracing fans to Churchill Downs.
- Coming up on Memorial Day weekend will be the fabled **Indy 500**, but public bus service will not be available to the race fans there either. Last year, shortly after the regs became effective, the local bus provider, IndyGO, was able to get a waiver from the FTA, but this year the FTA denied the waiver. This year, private charter companies will provide this public service and will charge substantially higher fares than IndyGO has charged.

- In the area we represent, special shuttle service to the **Rose Bowl Game** and to concerts at the **Hollywood Bowl** has been provided since 1990 by **Foothill Transit**, a public/private bus transit provider in Los Angeles County. For these routes, Foothill has utilized clean fuel buses accessible to the disabled. As a result of the FTA regulation, Foothill Transit will no longer be permitted to offer this service even though the charter bus companies have submitted non-responsive bids.

The following is a short list of other venues that have been adversely affected; however there are countless other instances across the country where the public is being denied convenient, safe, low-cost passage to large regional and national sporting and cultural events as a result of this rulemaking.

University of Washington
Washington State University
University of Oregon
University of California, Berkley
University of California, Los Angeles
Penn State University
University of Notre Dame
University of Oklahoma
University of Texas, El Paso
City of Nashville - Titans Stadium
Jacksonville Stadium
Dolphin Stadium
Morgantown West Virginia
Milwaukee Summerfest
Iowa State Fair
Reliant Park
Seattle Seahawks
Seattle Mariners
San Francisco 49ers
San Diego Chargers

These venues were formally given the option to choose transportation that best served their guests needs, whether that was private or public. Some of the public transit benefits are that providers typically use equipment which is easy for everyone to board and disembark, including persons with disabilities. This is very important for large public events where it is important to load and unload passengers quickly. Public providers also often operate buses using alternate clean fuels, which is critical given that most of these large events are in urban areas. In contrast, private charter bus companies may only have intercity coaches which are not as convenient and which run on standard fuels. And as previously noted, these coaches also have very large concealed undercarriages which pose an added security risk for densely packed public events.

Please join us in sending the attached letter to Chairman Oberstar and Ranking Member Mica of the Transportation Committee to correct the regulatory oversight and ensure that both charter and public transportation can be used for events where any member of the public may board and ride, without advance reservation, to an event open to the general public. That is public bus service, regardless of whether it has been underwritten by a third party, or whether the transit agency charges a special fare to cover its costs. **This language is supported by the**

International Festival and Events Association and the International Association of Assembly Managers, Inc.

Should you wish to join in this effort, please contact Allison Rose (Congressman Schiff) at 54176 or Alisa Do (Congressman Dreier) at 52305.

Sincerely,

Adam Schiff
Member of Congress

David Dreier
Member of Congress

The Honorable James L. Oberstar, Chairman

The Honorable John L. Mica, Ranking Member

Committee on Transportation & Infrastructure
2165 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Oberstar and Ranking Member Mica:

As you undertake the reauthorization of the nation's surface transportation programs, we write to request your assistance with an over-reaching U.S. DOT rulemaking which is having the effect of denying the general public the ability to utilize public transportation in attending public events.

For years, organizers and sponsors of large regional and national public events such as the Tournament of Roses, the Kentucky Derby, the Indy 500, Redskins games and many more have been able to alleviate traffic congestion and limited parking by contracting with local public transit agencies to transport their attendees. In some cases, the event venue would underwrite the service, and in other cases, the public transit agency would charge a special fare to cover its costs. However, on April 1, 2008, the Federal Administration (FTA) issued a new charter bus regulation which redefined the public transit service described above as charter bus service, and local transit authorities are now ineligible to provide this service. Transit

In servicing these special established routes in the past, local transit authorities have typically used clean air buses which were accessible to passengers with disabilities, and any member of the public could board and ride to the public destination event. Public transit buses have more than one entrance, making them well suited for large events where passengers need to be boarded and unloaded efficiently. In contrast, private charter bus companies may only have standard fuel intercity coaches which have only one entrance and limited accessibility for the disabled. Also, the large concealed undercarriages for luggage on intercity coaches present an additional security risk for densely packed public events. By making public transit agencies ineligible to provide what has always been considered public transit service, this ill-advised FTA rulemaking contradicts federal goals to encourage public transportation to alleviate traffic congestion and improve air quality nationwide.

Charter bus service is reserved and exclusive service to events, many of which are traditionally open only to a select group. Service open to any member of the public to board and ride, without advance reservation, to a public event has always been considered public service and that definition should be restored.

Accordingly, we request that you include the following language in the surface transportation *"Notwithstanding any other provision of law or regulation, a recipient of federal financial assistance from the Federal Transit Administration may provide transportation to the general public for events or functions that occur on an irregular basis or for a limited duration, regardless of whether the*

service is paid for in whole or part by a third party or whether a premium fare is charged, so long as the service is available and open to the general public attending public events or functions, and the recipient determines the route and schedule of the service provided.” reauthorization legislation:

Allow us to emphasize that the remedy proposed above does not seek to permit public transit providers who receive taxpayer funding to compete with private companies for charter service. To the contrary, it simply seeks to restore the logical definition of public transportation service and thus reinstate the eligibility of local public transit agencies to provide such high volume public service where convenience, accessibility, cost and security issues are paramount.

Sincerely,