



U.S. Department
of Transportation

**Federal Transit
Administration**

Administrator

1200 New Jersey Avenue, SE
Washington, DC 20590

June 10, 2024

Dear Colleague:

In the coming years, the United States (U.S.) will host several of the world's largest, most exciting sporting events, including the 2026 World Cup and the 2028 Olympic and Paralympic Games. Huge crowds are expected, and public transportation will play a significant role in moving people in and around the host cities. Transit systems serving the host cities are already planning for the influx of visitors from around the globe and know the impressions that visitors and television viewers have of the host cities and the U.S. will be shaped in part by their experience riding transit. As we all eagerly await the spectacles to come, I am writing to provide some advice, reminders, and considerations to keep in mind as you prepare for the spotlight.

Types of Service

The first question to ask is whether current public transportation service is sufficient. Many venues are already served by public transportation. Generally, if an agency continues to provide service on an existing route, including providing more frequent service on that route or for longer time periods, it meets the definition of "public transportation" as long as it is open to the general public and not just event ticket holders. See below for questions if supplemental vehicles are necessary to operate such service.

Charter Bus

Will there be a need to provide charter bus services? Charter bus service is transportation, excluding demand response service, provided at the request of a third party (e.g., World Cup or Olympic organizers), for the exclusive use of a bus or van for a negotiated price. A premium fare might be charged to passengers. Passengers might be restricted to athletes or event ticketholders, or the service may otherwise not be open to the general public. If so, a Federal Transit Administration (FTA) recipient may provide charter bus service only if it follows FTA's charter service regulations, which are summarized as follows.

FTA's charter bus service regulations at 49 CFR Part 604 prohibit FTA recipients from using federally funded equipment to unfairly compete with private charter operators. An FTA recipient may operate charter service only when it meets a limited exception defined in the rule to include:

- Official government business;
- Qualified Human Service Organizations (elderly, persons with disabilities, and low-income individuals);
- When no registered charter provider responds to a notice sent by a recipient;
- Leasing (must exhaust all available private charter vehicles first);
- By agreement with all registered charter providers; or

- Petitions to the Administrator: Events of regional or national significance, or hardship.
 - Note that the petition must demonstrate that not only has the public transit agency contacted registered charter providers, but also demonstrate how the transit agency will include registered charter providers in providing the service to the event of regional or national significance. In the case of events such as the World Cup and Olympics that are scheduled with significant lead time, FTA expects a petition to the Administrator to be the option of last resort for FTA funding recipients.

FTA recipients are encouraged to familiarize themselves with these regulations, as well as the comprehensive [Questions and Answers](#) appendix.

More information can be found on FTA's charter bus service website, found [here](#). For additional questions about FTA's Charter Bus Service Regulations, the FTA Charter Service [Ombudsman](#) is available to assist you. When submitting a question, please provide the pertinent facts and highlight which area of the regulations, or Q&A, is pertinent to your question.

Civil Rights

Are you considering adding services and/or hiring or borrowing vehicles to support the events? If so, there are some Civil Rights requirements you must keep in mind.

Americans with Disabilities Act (ADA)

All vehicles used in fixed route service must be accessible to and usable by persons with disabilities, including wheelchair users. In addition, complementary paratransit must be provided between points within a ¾-mile radius of any fixed route (except for commuter bus and commuter rail services).

Paratransit services must be provided to any visitor who presents proof of eligibility from another transit system, or otherwise indicates that their disability prevents them from independently riding the fixed route system, on the same basis as any other eligible rider. FTA expects that the steps necessary to process visitors to receive service will be completed the same day or not more than one day later; visitors are not subject to local eligibility processes, but are deemed eligible upon presentation of the information noted above.

All vehicles used in demand responsive service must be accessible to and usable by persons with disabilities, including wheelchair users, unless a sufficient number of accessible vehicles are available to ensure that the service provided to persons with disabilities is equivalent to that provided to persons without disabilities, according to regulatory criteria that include response times, fares, and service area.

Service provided under any form of contract or other arrangement or relationship with a third party, such as a private charter/tour operator, taxi operator, or transportation network company is subject to the requirements that apply to the public entity as if the public entity were providing the service itself.

Title VI of the Civil Rights Act

Title VI prohibits recipients of Federal funds from excluding, denying benefits to, or discriminating against individuals based on their race, color, or national origin.

A temporary service change lasting less than 12 months does not require a recipient to conduct a Title VI Equity Analysis as outlined in FTA Circular 4702.1B. However, FTA encourages transit agencies to do extensive public outreach when planning service changes to ensure those impacted by the changes can provide input and have time to prepare.

Spare Ratio

Borrowing, leasing, or otherwise temporarily obtaining vehicles to put into service for these major events will NOT affect your spare ratio calculation or a transit agency's ability to procure new vehicles for everyday service.

Agencies cannot use FTA funds to acquire new expansion vehicles solely to meet the demand for these events if the vehicles will not be needed after the event to meet the requirements during normal peak service.

Agencies lending vehicles also do not need a waiver of spare ratio requirements, as FTA does not require recipients to maintain a minimum number of spares. However, if an agency lends spare vehicles, they must ensure it will not impact their ability to provide public transportation services.

Contingency Fleet

Contingency fleet vehicles are more likely to be loaned than spare vehicles, as they are not needed to provide everyday public transportation services.

Older vehicles that agencies would otherwise retire before 2026, 2028, or the year of a major event can be loaned to a host city. To do so, vehicles that are at or beyond their useful life can be placed into the contingency fleet, which does not impact the spare ratio calculation, and put back into service (or loan them to another agency) for a given event, including the World Cup and/or the Olympics and Paralympics. See below for details on FTA's contingency fleet policy.

- Contingency fleet means inactive rolling stock reserved or retained for emergencies or other unforeseen, justified, and FTA-approved activities. A contingency fleet is separate from the spare fleet, and not included in the spare ratio.
- FTA permits recipients to retain buses/vans that have met their useful life in a contingency fleet without being included in the spare ratio calculation. Recipients may retain contingency fleets for emergency use as well as for the introduction of zero emission vehicles. FTA also permits transit providers to retain vehicles in a contingency fleet for the purposes of an upcoming scheduled large-scale event in which a substantial increase in transit service will be necessary.

- Buses or vans stockpiled in a contingency fleet must have met their minimum useful life requirements and be properly stored, maintained, and documented in a contingency plan.
- Recipients should keep a record of information that demonstrates the need for a contingency fleet activation and/or the need for additional loaner vehicles and the justification for activation including the period of time of activation. The contingency fleet plan should demonstrate that the vehicle has met its useful life by identifying the year it was placed in service, the year and mileage when removed from service and the useful life of the vehicle in years and miles. The plan should identify where the vehicles will be stored, how they will be protected and list the maintenance activities performed to ensure they maintain their contingency fleet status.
- In planning to accommodate future large-scale events, transit agencies may wish to retain vehicles in a contingency fleet that they would otherwise dispose of, allowing them to use, loan, or lease those vehicles for scheduled events. Transit agencies that retain vehicles in a contingency fleet solely for use in such an event must have a plan for disposing of the vehicles after the event that accounts for any remaining Federal interest.

Loaning Vehicles

We encourage FTA recipients to assist other agencies and loan available vehicles to the transit systems in the host cities, where and when those vehicles are needed. Host cities should reach out to other transit agencies as early as possible to determine potential availability of loaned vehicles. Generally, lending agencies will be most willing to loan vehicles from their contingency fleets, as existing and spare vehicles are often required to maintain transit operations.

There are several things to keep in mind if you plan to loan or receive loaned vehicles:

- Loaning vehicles is considered a type of incidental use. Transit agencies must follow the incidental use policies described in the next section if loaning vehicles in the active fleet, including spare vehicles, but not contingency vehicles. In particular, the loaning agency must ensure there will not be a detrimental impact to their existing public transportation services.
- Transportation/hauling costs of loaner vehicles from one transit agency to the event host city/transit agency is not eligible for reimbursement with FTA funds.
- Operational and maintenance costs of loaned vehicles are not eligible for reimbursement with FTA funds.
- The FTA Office of Chief Counsel will need to review any agreements between agencies as part of the incidental use request to ensure Federal interest is protected and satisfactory continuing control maintained.

Incidental Use

FTA defines incidental use as the limited, authorized, non-transit use of federally-assisted assets. An example is the loaning out of vehicles, as described above. However, agencies may also permit incidental use of public transportation facilities. For example, perhaps you are considering allowing, or requesting, other organizations to temporarily co-locate with you in your facilities to improve interagency or interorganizational communication and cooperation.

Any incidental use of federally assisted property may not exceed that permitted under applicable Federal laws, regulations, and directives. Except for incidental use by a Qualified Human Services Organization, incidental use requires prior FTA approval. Consult your FTA regional office prior to incorporating incidental use activities in projects. Incidental use will be permitted if:

- a) The incidental use does not interfere with the recipient's public transportation operations. For these large-scale events, FTA has determined that loaning vehicles in contingency fleets does not impact a recipient's public transportation operations. However, if loaning vehicles from an active fleet (including spares), a recipient must ensure it will not impact its operations.
- b) The recipient fully recaptures all costs related to the incidental use from the non-transit public entity or private entity, including all applicable excise taxes on fuel for fueling facilities and wear and tear to capital improvements;
- c) The recipient uses any revenues received from the incidental use for capital and/or operating expenses that were or will be incurred to provide the public transportation; and,
- d) Private entities pay all applicable excise taxes on fuel.

Transit Safety & Security

While we are celebrating sport at its highest level and pride in our host cities and in the United States of America, we also want to keep everyone safe. Many transit systems serving the host cities are subject to the Public Transportation Agency Safety Plans (PTASP) regulation and other safety requirements that must be addressed as service changes and ridership increases during the events.

Infectious Disease Exposure

Transit agencies subject to the PTASP regulation must address strategies to minimize exposure to infectious diseases consistent with Centers for Disease Control and Prevention or State health authority guidelines. Each transit agency should consider identifying mitigations or strategies related to exposure to infectious diseases through the safety risk management process in the agency's Agency Safety Plan (ASP).

Staff Training

Transit agencies subject to the PTASP requirement must also ensure operations, maintenance, and safety personnel receive appropriate safety training, including de-escalation and refresher training. Rail transit safety personnel must be in compliance with the Public Transportation Safety Certification Training Program (PTSCTP) minimum safety training requirements.

Safety and Security Plans

The PTASP regulation at 49 CFR § 673.11(a)(6) requires that rail transit agencies include or incorporate by reference in their ASP an emergency preparedness and response plan or procedures that addresses, at a minimum, the assignment of employee responsibilities during an emergency; and coordination with Federal, State, regional, and local officials with roles and responsibilities for emergency preparedness and response in the transit agency's service area.

Transit agencies that provide bus service should also consider mitigation strategies to reduce bus-to-person collisions. [FTA recommends](#) that transit agencies consider the hazard of bus operator vision impairment and recommends that transit agencies also identify and assess additional hazards unique to their agency's operating environment.

Other Considerations

In all cases, transit agencies should consider whether their strategies for managing event-related service meet the definition of a qualifying action under Federal environmental impact and related procedures at 23CFR § 771.107. If so, transit agencies should work with their applicable FTA Regional Office to ensure that environmental review under the National Environmental Policy Act and any related environmental permitting laws and regulations is adequately addressed.

In addition, when planning for these and other large-scale events, transit agencies and their community partners also have a number of operational questions to consider. Among them, how will you fuel, maintain, and operate what may be an unusually large fleet of diverse vehicles serving customers that do not know your city or your service?

Charging and Fueling

- How do you plan to fuel or charge additional buses and trains?

Operations and Maintenance

- How do you plan to have enough staffing for operations and maintenance?
- Will you temporarily contract additional drivers from other agencies?
- From what site(s) will you operate and maintain the additional fleet?
- What additional transit security will be provided?

Customer Facing Issues

- How will you communicate to a new customer base that speaks many languages?
- What changes will you make to your current wayfinding to standardize with other event sponsors and their transit agencies?

- Will you employ customer relations personnel in the field, and if so, how will you equip them to communicate?
- Will you charge fares?
- How will you communicate route information, service changes, and service disruptions?

I am so excited to see U.S. public transit shine during all the sporting events coming to our country, particularly the World Cup and Olympic and Paralympic Games, and to showcase to the world what it is we do. Should you have any questions or require additional information regarding the topics discussed in this letter, or any other questions or concerns, please do not hesitate to contact your FTA regional office.

Game on!



Veronica Vanterpool
Acting Administrator