

DECISION

Tripper Operations, Green Bay Transit System

Lamers Bus Lines, Inc.

Complainant

v.

Green Bay Transit System

Respondent

I. Summary

This decision is the conclusion of an investigation commenced as the result of a complaint received from Lamers Bus Lines, Inc. (Lamers) against the Green Bay Transit System (Green Bay). The Urban Mass Transportation Administration (UMTA) has concluded that, although certain assailed operations of Green Bay comply substantially with the requirements of the tripper service provision (49 CFR §605.3), our investigation disclosed misunderstandings of the regulations. The Respondent is ordered by this decision to correct the practices that do not comply with UMTA's requirements.

II. Background

Lamers filed a complaint with this office on June 19, 1981 and submitted additional information on August 10 and September 4, 1981. The complaint alleged, inter alia, that respondent Green Bay is engaging in school bus operations prohibited by UMTA's regulations (49 CFR Part 605).

Specifically, Lamers alleged that Green Bay was running three extra school units which follow the regular route but do not follow the established time table and use school extra destination signs. In addition, they allege that Green Bay had instituted special service for summer school students by extending the existing Route 13 in Ashwaubenon for use exclusively by school children. Lamers contends that this service constitutes charter service as the route begins or ends at the school, the route was extended merely for the convenience of the students and goes directly to the school once full, buses run only once in the morning and once in the afternoon, an extra bus was added to cover this service, and the school collected the fare. Finally, Lamers asserts that provision of this service by Green Bay is underpriced because of the federal subsidy and constitutes unfair competition.

In support of these contentions Lamers has supplied certain maps, timetables and other documents as well as photographs of buses used to provide the service complained of.

III. Response to the Complaint

Green Bay filed its response to the Lamers complaint with UMTA on July 29 and August 28, 1981. Green Bay replied that its service is a "tripper" service as defined by 49 CFR §605.3 and the service is therefore permitted by UMTA's school bus regulation. See 49 CFR §605.13.

Green Bay admits that, in the case of the Ashwaubenon summer school service, one of the regular buses made a slight route deviation (1.3 miles) for two trips per day and that additional tripper buses were added to handle this service so that the regular bus schedule was not interfered with. However, Green Bay defends this practice in that the service for the most part parallels the regular route and was added at the request of the Village of Ashwaubenon. Furthermore, students pay the regular fare. Therefore, it denies that this was a charter type operation.

Green Bay also admitted to discharging students on school property but defended this practice on the basis of safety to the students since there was construction being undertaken near the regular stop. Finally, Green Bay admitted to using "School Extra" signs and justified this practice on the basis that the previous operator had been using this sign since the mid-1900's.

In support of its contentions, Green Bay provided some press clippings regarding the construction and a letter from the Village of Ashwaubenon requesting the route extension.

IV. Findings and Determinations

In order to determine whether the service is impermissible, it is necessary to compare the current operations of tripper service with the tripper service criteria (49 CFR §605.3). We have established the following findings and determinations on the basis of such an analysis.

A. Regularly Scheduled Mass Transportation Service

Green Bay has a published route map showing routes and timetables. Several schools are served directly by the regular routes and these schools are noted on the map legend. There does not seem to be any question about the validity of this service. However, this map does not show the 1.3 mile extension of Route 13 to serve Ashwaubenon summer school. Furthermore, there is no evidence in the record that this route extension was ever published as a separate map for the summer period, although the route layout was distributed by the Ashwaubenon School District as part of the summer course information. Thus, we find that

Green Bay conducts some legitimate tripper service, but that the Route 13 extension to serve Ashwaubenon summer school should have been published in order that the public nature of the service can be emphasized.

Green Bay contends, and Lamars does not deny, that the route deviations were conducted on a daily basis for the six weeks that the summer school was in session. To be considered regularly scheduled it is sufficient if tripper runs operate only while school is in session, a practice followed in Green Bay. However, to the extent that such route deviations are to be conducted in the future, they must be published on maps available to the public.

Furthermore, using a terminus on school property and the use of "School Extra" headsigns, render Green Bay's claims that the service is open to the public unpersuasive. We are unable to find that the Route 13 extension was known to and therefore open to the general public.

C. Designed or Modified To Accomodate The Needs of School Students and Personnel

As noted in 49 CFR §605.3, the transit operator is permitted to specially design routes to accomodate the needs of students as long as these routes are open to the public and are part of Green Bay's regularly scheduled service. Most of Green Bay's routes meet this criteria. Only certain aspects of the Route 13 extension, however, meet the criteria.

As stated previously, the extended service on the summer school route was operated regularly during the times when school was in session. Further, the service is extended at hours calculated to coincide with school opening and closing times. Both of these are legitimate modifications. This service continues beyond the normal route terminus, a distance of approximately 1.3 miles, which is a permitted modification if made known to the public and serves regular stops. Finally, the buses take students directly to the school for discharge and boarding which is not permitted because it bypasses regular stops. Therefore, we find that certain of the modifications were impermissible.

D. Fare Collection or Subsidy System

Students using tripper service pay the school fare charged to all students throughout the system. Although the students using the Ashwaubenon summer school service appeared to have been offered the opportunity to purchase their school passes at the school, these passes were issued by Green Bay and are part of the normal fare collection system.

Special fare collection procedures are not prohibited by the regulation and we see no reason why the arrangement should be considered a violation of the regulation.

E. Clearly Marked As Being Open To The Public

The complainant has produced evidence, in the form of a photograph, to show that Green Bay employed a "School Extra" sign rather than a regular route number sign for at least some of its buses. Green Bay did not deny this and in fact asserted that they would "continue to use the 'School Extra' destination sign, on all school trippers, until such time UMTA informs us differently".

Destination signs on buses which include the word "school" are not permitted by the regulations under 49 CFR §606.3. We find that Green Bay has employed signing procedures of obvious impropriety.

F. Regular Service Stops

Harmon charges that buses load and unload students on school property and that this is not a regular stop. The regular stop is on the street, one block from the school. Green Bay justified its actions on the basis that there was construction being undertaken where the buses normally stop and that it would be unsafe for the children to walk through the construction. Harmon contends that the construction did not justify using the school yard for loading and unloading of passengers.

We find that the loading and unloading of passengers in the school yard is not a regular service stop. It is not certain whether the public would be allowed to use a stop if it were on school property or whether the stop would be visible to the public. Both of these criteria must be met in order for us to find that a stop on school property is a regular stop.

G. Regular Route Service, as Indicated in Published Schedules

See discussion in Section IV.B. supra.

V. Other Matters

The complainant alleges that the service provided by Green Bay by the Route 13 extension was really charter service and that therefore Green Bay is required to cover the costs of the service out of its revenues, and that the service cannot be provided during peak hours. Green Bay responded that they were not providing charter service but rather tripper service as allowed by the regulation.

The school bus regulation allows grantees to provide tripper service and for the most part Green Bay's service falls within this definition, therefore we find that Green Bay is providing tripper service and not charter service and Harmon's allegations on this matter are unfounded.

VI. Conclusions and Order

Green Bay has conducted tripper service with respect to the Route 13 extension in contravention to certain provisions of UMTA's school bus regulations; however, the basic route configuration comports with UMTA requirements.

Green Bay is ordered to make the following corrections to the tripper service within 60 days from the date of receipt of this order:

1) Green Bay shall assure that no restrictive destination signs are displayed on vehicles employed in the provision of tripper service. The word "school" shall not appear in such signs. Rather the regular route sign should be used.

2) Green Bay may continue to turn and queue buses in the parking lots, if they place a publicly-accessible bus stop on the school premises where students board and depart the buses, and place appropriate signs at the street indicating to the public where on the school premises the bus stop may be found, if this is not readily apparent.

3) Green Bay must indicate in published schedules the route configuration of tripper service routes that do not follow the regular routes. These can be shown either on the base map or on separate schedules, referenced on the base map, and available to the public.

The respondent shall obtain the concurrence of UMTA on all modifications made to satisfy the changes mandated by this decision.

Submitted by

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DATE

3/3/82

Approved by

G. Kent Woodman
G. Kent Woodman, Chief Counsel

DATE

5/10/82