

**Federal Transit Admin., DOT**

**§ 605.3**

| Program title  | Agency                      |
|--|-----------------------------|
| Coal Miners Respiratory Impairment Treatment Clinics and Services.       | Public Health Service, HHS. |
| Preventive Health Services—Sexually Transmitted Diseases Control Grants. | Public Health Service, HHS. |
| Health Programs for Refugees.  | Public Health Service, HHS. |

SOURCE: 41 FR 14128, Apr. 1, 1976, unless otherwise noted.

**Subpart A—General**

**§ 605.1 Purpose.**

(a) The purpose of this part is to prescribe policies and procedures to implement section 109(a) of the National Mass Transportation Assistance Act of 1974 (Pub. L. 93-503; November 26, 1974; 88 Stat. 1565). Section 109(a) adds a new section 3(g) to the Federal Mass Transit Act of 1964, as amended (49 U.S.C. 1602(g)) and differs from section 164(b) of the Federal-Aid Highway Act of 1973 (49 U.S.C. 1602a(b)) in that section 3(g) applies to all grants for the construction or operation of mass transportation facilities and equipment under the Federal Mass Transit Act, and is not limited to grants for the purchase of buses as is section 164(b).

(b) By the terms of section 3(g) no Federal financial assistance may be provided for the construction or operation of facilities and equipment for use in providing public mass transportation service to an applicant unless the applicant and the Administrator enter into an agreement that the applicant will not engage in school bus operations exclusively for the transportation of students and school personnel, in competition with private school bus operators.

**§ 605.2 Scope.**

These regulations apply to all recipients of financial assistance for the construction or operation of facilities and equipment for use in providing mass transportation under: (a) The Federal Mass Transit Act of 1964, as amended (49 U.S.C. 1601 *et seq.*); (b) 23 U.S.C. 142 (a) and (c); and 23 U.S.C. 103 (e)(4).

**§ 605.3 Definitions.**

(a) Except as otherwise provided, terms defined in the Federal Mass Transit Act of 1964, as amended (49 U.S.C. 1604, 1608) are used in this part as so defined.

(b) For purposes of this part—

*The Acts* means the Federal Mass Transit Act of 1964, as amended (49 U.S.C. 1601 *et seq.*); 23 U.S.C. 142 (a) and (c); and 23 U.S.C. 103(e)(4).

[53 FR 53355, Dec. 30, 1988]

**PART 605—SCHOOL BUS OPERATIONS**

**Subpart A—General**

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- 605.20 Modification of prior agreements.
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**Subpart E—Reporting and Records**

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**APPENDIX A TO PART 605**

AUTHORITY: Federal Mass Transit Act of 1964, as amended (49 U.S.C. 1601 *et seq.*); 23 U.S.C. 103(e)(4); 23 U.S.C. 142 (a) and (c); and 49 CFR 1.51.

**§ 605.4**

**49 CFR Ch. VI (10-1-03 Edition)**

*Administrator* means the Federal Mass Transit Administrator or his designee.

*Adequate transportation* means transportation for students and school personnel which the Administrator determines conforms to applicable safety laws; is on time; poses a minimum of discipline problems; is not subject to fluctuating rates; and is operated efficiently and in harmony with state educational goals and programs.

*Agreement* means a contractual agreement required under section 3(g) of the Federal Mass Transit Act of 1964, as amended (49 U.S.C. 1602(g)).

*Applicant* means applicant for assistance under the Acts.

*Assistance* means Federal financial assistance for the purchase of buses and the construction or operation of facilities and equipment for use in providing mass transportation services under the Acts, but does not include research, development and demonstration projects funded under the Acts.

*Grant contract* means the contract between the Government and the grantee which states the terms and conditions for assistance under the Acts.

*Government* means the Government of the United States of America.

*Grantee* means a recipient of assistance under the Acts.

*Incidental* means the transportation of school students, personnel and equipment in charter bus operations during off peak hours which does not interfere with regularly scheduled service to the public (as defined in the Opinion of the Comptroller General of the United States, B160204, December 7, 1966, which is attached as appendix A of this part).

*Interested party* means an individual, partnership, corporation, association or public or private organization that has a financial interest which is adversely affected by the act or acts of a grantee with respect to school bus operations.

*Reasonable Rates* means rates found by the Administration to be fair and equitable taking into consideration the local conditions which surround the area where the rate is in question.

*School bus operations* means transportation by bus exclusively for school students, personnel and equipment in Type I and Type II school vehicles as

defined in Highway Safety Program Standard No. 17.

*Tripper service* means regularly scheduled mass transportation service which is open to the public, and which is designed or modified to accommodate the needs of school students and personnel, using various fare collections or subsidy systems. Buses used in tripper service must be clearly marked as open to the public and may not carry designations such as "school bus" or "school special". These buses may stop only at a grantee or operator's regular service stop. All routes traveled by tripper buses must be within a grantee's or operator's regular route service as indicated in their published route schedules.

*Urban area* means the entire area in which a local public body is authorized by appropriate local, State and Federal law to provide regularly scheduled mass transportation service. This includes all areas which are either: (a) Within an "urbanized area" as defined and fixed in accordance with 23 CFR part 470, subpart B; or (b) within an "urban area" or other built-up place as determined by the Secretary under section 12(c)(4) of the Federal Mass Transit Act of 1964, as amended (49 U.S.C. 1608(c)(4)).

**§ 605.4 Public hearing requirement.**

Each applicant who engages or wishes to engage in school bus operations shall afford an adequate opportunity for the public to consider such operations at the time the applicant conducts public hearings to consider the economic, social or environmental effects of its requested Federal financial assistance under section 3(d) of the Federal Mass Transit Act of 1964, as amended (49 U.S.C. 1602(d)).

**Subpart B—School Bus Agreements**

**§ 605.10 Purpose.**

The purpose of this subpart is to formulate procedures for the development of an agreement concerning school bus operations.