

days and review any comments submitted thereto. FTA may contact the grantee or subgrantee that submitted the request for relief, or any party that submits comments to the docket, to obtain more information prior to making a decision.

(c) FTA shall then post a decision to the Emergency Relief Docket. FTA's decision will be based on whether the petition meets the criteria for use of these emergency procedures, the substance of the request, and the comments submitted regarding the petition.

(d) If FTA fails to post a response to the request for relief to the docket within three business days, the grantee or subgrantee may assume its petition is granted until and unless FTA states otherwise.

#### § 601.47 Review Procedures.

(a) FTA reserves the right to reopen any docket and reconsider any decision made pursuant to these emergency procedures based upon its own initiative, based upon information or comments received subsequent to the three business day comment period, or at the request of a grantee or subgrantee upon denial of a request for relief. FTA shall notify the grantee or subgrantee if it plans to reconsider a decision.

(b) FTA decision letters, either granting or denying a petition, shall be posted in the appropriate Emergency Relief Docket and shall reference the document number of the petition to which it relates.

## PART 604—CHARTER SERVICE

### Subpart A—General

- Sec.
- 604.1 Purpose.
  - 604.3 Applicability.
  - 604.5 Definitions.
  - 604.7 Charter agreement.
  - 604.9 Charter service.
  - 604.11 Procedures for determining if there are any willing and able private charter operators.
  - 604.13 Reviewing evidence submitted by private charter operators.

### Subpart B—Complaint Process

- 604.15 Filing a complaint.
- 604.17 Remedies.

604.19 Appeals.

604.21 Judicial review.

#### APPENDIX A TO PART 604

AUTHORITY: 49 U.S.C. 5323(d); 23 U.S.C. 103(e)(4); 142(a); and 142(c); and 49 CFR 1.51.

SOURCE: 52 FR 11933, Apr. 13, 1987, unless otherwise noted.

### Subpart A—General

#### § 604.1 Purpose.

The purpose of this part is to implement section 3(f) and section 12(c)(6) of the FT Act.

#### § 604.3 Applicability.

This part applies to all applicants and recipients of Federal financial assistance under:

- (a) Sections 3 (excluding section 16(b)(2)), 5, 9A, 9 or 18 of the FT Act; or
- (b) Sections 103(e)(4), 142(a), or 142(c) of Title 23 United States Code which permit the use of Federal-Aid Highway funds to purchase buses.

#### § 604.5 Definitions.

(a) All definitions in the FT Act (at 49 U.S.C. 1608) are applicable to this part, except as may otherwise be provided in this section.

(b) *The Acts* means the FT Act and those parts of Title 23 United States Code, 23 U.S.C. 103(e)(4), 142(a) and 142(c), that provide for assistance to public bodies for purchasing buses.

(c) *Administrator* means the Administrator of FTA or his or her designee.

(d) *Categories of Revenue Vehicle* means bus or van.

(e) *Charter Service* means transportation using buses or vans, or facilities funded under the Acts of a group of persons who pursuant to a common purpose, under a single contract, at a fixed charge (in accordance with the carrier's tariff) for the vehicle or service, have acquired the exclusive use of the vehicle or service to travel together under an itinerary either specified in advance or modified after having left the place of origin. This definition includes the incidental use of FTA funded equipment for the exclusive transportation of school students, personnel, and equipment.

(f) *Chief Counsel* means the Chief Counsel of FTA.