



U.S. Department  
of Transportation  
**Federal Transit  
Administration**

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March 28, 2003

Mark D. Harrington, City Attorney  
Park City Municipal Corporation  
445 Marsac Avenue  
PO Box 1480  
Park City, Utah 84060

Steven O. Lewis, President  
Lewis Brothers Stages, Inc  
549 West 500 South  
Salt Lake City, Utah 84101

RE: Lewis Brothers Stages, Inc. Charter Complaint  
Docket Number 2002-14

Dear Mr. Harrington and Mr. Lewis:

In response to our letter of January 31, 2003, Park City provided a response to Lewis Brothers Complaint and evidence with regard to the service it has been providing. We commend Lewis Brothers on its efforts to resolve this issue without the need to file a formal complaint.

Lewis Brothers filed its formal complaint with the Secretary of Transportation on December 19, 2003. Lewis Brothers states that they provide seasonal regular route scheduled service between the Salt Lake City International Airport and Park City. They also provide charter service for undertakings such as the Sundance Film Festival and have contracted with the Sundance Institute for about 15 years to charter buses for that festival. Lewis Brothers alleges that Park City entered into a contract with the Sundance Institute to provide a substantial portion of the service that Lewis Brothers had provided. As a result, Lewis Brothers states that it has been damaged in the amount of \$65,000 for loss of business.

On March 3, 2003, Park City provided its response to Lewis Brothers' Complaint and addressed the elements that define charter service under the FTA regulations at 49 CFR 604.5(e). Charter is defined in the regulations as "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."

Park City describes the service it is providing as expanded public transit service and in support of that premise addresses the elements of charter described above. Park City states

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that their service is available to anyone who shows up at a bus stop, not to any particular group. The service is open door, that is, available to the general public. Park City admits that there is a Master Festival License and Service Agreement for the Sundance Festival, but points out that the license does not provide for a single contract for charter services. In that Agreement, Park City refers to the need for expanded City Transit service during the festival, and specifically provides at Paragraph 9: "The costs associated with the bus service shall be paid by Park City. The transportation plans contemplated by this paragraph are intended as an enhancement to Park City's public transportation to meet the needs of the public during the Use Periods and are not to be construed as the provision of 'charter' services."

The special event service is not for the exclusive use of Sundance Film Festival attendees. Anyone may ride the bus. The buses operate according to timed schedules set by Park City. The routes used during the Sundance Film Festival are expanded regular bus routes that stop at regular bus stops.

Applying the criteria set out in the Charter Regulation at 49 CFR 604.5(e) we find that Park City is not operating charter service in conjunction with the Sundance Film Festival. In accordance with 49 CFR 604.19, appeals of this decision must be made within ten days of receipt of this decision. The appeal should be sent to Jennifer Dorn, Administrator, Federal Transit Administration, 400 Seventh Street, S.W., Room 9328, Washington, D.C. 20590.

Yours truly,

Lee O. Waddleton  
Regional Administrator