any petition. The notice shall contain
the carrier’s name and address, a con-
cise description of and reasons for the
relief sought, and a statement that any
interested person may file written
comments with the Federal Motor Car-
rier Safety Administration (with one
copy mailed to the carrier) on or before
a specific date that is at least 30 days
later than the date the notice is post-
ed.

[55 FR 11199, Mar. 27, 1990. Redesignated at 61
FR 54709, Oct. 21, 1996, as amended at 62 FR
15423, Apr. 1, 1997]

Subpart D—Notice of and Proce-
dures for Baggage Excess
Value Declaration

SOURCE: 40 FR 1249, Jan. 7, 1975, unless oth-
erwise noted. Redesignated at 61 FR 54709,
Oct. 21, 1996.

§ 374.401 Minimum permissible limita-
tions for baggage liability.

(a) Motor common carriers of pas-
sengers and baggage subject to 49
U.S.C. 13501 may not publish tariff pro-
visions limiting their liability for loss
or damage to baggage checked by a
passenger transported in regular route
or special operations unless:

(1) The amount for which liability is
limited is $250 or greater per adult fare,
and

(2) The provisions permit the pas-
senger, for an additional charge, to de-
clare a value in excess of the limited
amount (but not higher than the actual
value) in event of loss or damage. The carriers may
publish a maximum value for which
they will be liable, but that maximum
value may not be less than $1,000. Ap-
propriate identification must be at-
tached securely by the passenger to
each item of baggage checked, indi-
cating in a clear and legible manner
the name and address to which the bag-
gage should be forwarded if lost and
subsequently recovered. Identification
tags shall be made immediately avail-
able by the carriers to passengers upon
request.

(b) Carriers need not offer excess
value coverage on articles listed in
§374.307(c)(3).

[46 FR 22899, Apr. 22, 1981, as amended at 47
FR 21840, May 20, 1982; 62 FR 15423, Apr. 1,
1997]

§ 374.403 Notice of passenger’s ability
to declare excess value on baggage.

(a) All motor common carriers of pas-
sengers and baggage subject to 49
U.S.C. subtitle IV, part B, which pro-
vide in their tariffs for the declaration
of baggage in excess of a free baggage
allowance limitation, shall provide
clear and adequate notice to the public
of the opportunity to declare such ex-
cess value on baggage.

(b) The notice referred to in para-
graph (a) of this section shall be in
large and clear print, and shall state as
follows:

Notice—Baggage Liability

This motor carrier is not liable for loss or
damage to properly identified baggage in an
amount exceeding §. If a passenger de-

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ses additional coverage for the value of his
baggage he may, upon checking his baggage,
declare that his baggage has a value in ex-
cess of the above limitation and pay a charge
as follows:

Identify Your Baggage

Under FMCSA regulations, all baggage
must be properly identified. Luggage tags
should indicate clearly the name and address
to which lost baggage should be forwarded.
Free luggage tags are available at all ticket
windows and baggage counters.

The statement of charges for excess
value declaration shall be clear, and
any other pertinent provisions may be
added at the bottom in clear and read-
able print.

(c) The notice referred to in para-
graphs (a) and (b) of this section shall be
(1) placed in a position near the
ticket seller, sufficiently conspicuous
to apprise the public of its provisions,
(2) placed on a form to be attached to
each ticket issued (and the ticket sell-
er shall, where possible, provide oral
notice to each ticket purchaser to read
the form attached to the ticket), (3)
placed in a position at or near any lo-
location where baggage may be checked,
sufficiently conspicuous to apprise
each passenger checking baggage of its
§ 374.405 Baggage excess value declaration procedures.

All motor common carriers of passengers and baggage subject to 49 U.S.C. subtitle IV, part B, which provide in their tariffs for the declaration of baggage value in excess of a free baggage allowance limitation, shall provide for the declaration of excess value on baggage at any time or place where provision is made for baggage checking, including (a) at a baggage checking counter until 15 minutes before scheduled boarding time, and (b) at the side of the bus or at a baggage checking counter in reasonable proximity to the boarding area during boarding at a terminal or any authorized service point.


Subpart E—Incidental Charter Rights


SOURCE: 54 FR 46619, Nov. 6, 1989, unless otherwise noted. Redesignated at 61 FR 54709, Oct. 21, 1996.

§ 374.501 Applicability.

The regulations in this part apply to incidental charter rights authorized under 49 U.S.C. 13506 [49 U.S.C. 10932(c)]. These regulations do not apply to interpreting authority contained in a certificate to transport passengers in special and/or charter operations.


§ 374.503 Authority.

Motor carriers transporting passengers in interstate or foreign commerce, over regular routes authorized in a certificate issued as a result of an application filed before January 2, 1967, may transport special or chartered parties, in interstate or foreign commerce, between any points and places in the United States (including Alaska and Hawaii). The term “special or chartered party” means a group of passengers who, with a common purpose and under a single contract, and at a fixed charge for the vehicle in accordance with the carrier’s tariff, have acquired the exclusive use of a passenger-carrying motor vehicle to travel together as a group to a specified destination or for a particular itinerary.

§ 374.505 Exceptions.

(a) Incidental charter rights do not authorize the transportation of passengers to whom the carrier has sold individual tickets or with whom the carrier has made separate and individual transportation arrangements.

(b) Service provided under incidental charter rights may not be operated between the same points or over the same route so frequently as to constitute a regular-route service.

(c) Passenger transportation within the Washington Metropolitan Area Transit District (as defined in the Washington Metropolitan Area Transportation Regulation Compact, Pub. L. No. 86–794, 74 Stat. 1031 (1960), as amended by Pub. L. No. 87–767, 76 Stat. (1962) is not authorized by these regulations, but is subject to the jurisdiction and regulations of the Washington Metropolitan Area Transportation Commission.

(d) A private or public recipient of governmental assistance (within the meaning of 49 U.S.C. 13902(b)(8)) may provide service under incidental charter rights only for special or chartered parties originating in the area in which the private or public recipient provides regularly scheduled mass transportation services under the specific qualifying certificate that confers its incidental charter rights.