

BEFORE THE FEDERAL TRANSIT ADMINISTRATION

Indian Trails,
Complainant,

v.

Charter Complaint
49 U.S.C. Section 5323(d)
Docket No. 2005-08

Toledo Area Transit Authority,
Respondent.

DECISION

Summary

On May 12, 2005, Indian Trails filed a complaint with the Federal Transit Administration ("FTA") alleging that Toledo Area Transit Authority ("Respondent" or "TARTA") was proposing to provide service in violation of FTA's charter regulation, 49 Code of Federal Regulations (C.F.R.) Part 604. The service specifically complained of pertains to Respondent's potentially providing service for the Jamie Farr Golf Classic. Respondent filed an answer dated June 13, 2005. Complainant filed a reply on July 13, 2005 (FTA did not receive the response until Aug. 3, 2005). Respondent filed an additional response on July 14, 2005. On June 17, 2005, FTA denied TARTA's request to provide buses to Lakefront Lines for the Jamie Farr Golf Classic.

Upon reviewing the allegations in the complaint and the subsequent filings of the Complainant and the Respondent, as well as FTA letter of June 17, 2005, FTA has concluded that the complaint is now moot.

Complaint History

Complainant Indian Trails filed its complaint with the FTA on May 12, 2005. The complaint alleges that the Respondent intended to lease vehicles to Lakefront Lines for the Jamie Farr Golf Classic in violation of the charter regulations.¹ On June 13, 2005, TARTA responded to the complaint stating under its remediation plan it needs FTA concurrence before it can lease buses under the charter regulations. TARTA was in contact with the FTA and had submitted a request to lease buses to Lakefront Lines for the Jamie Farr Golf Classic. However, because the request was still pending it was not going to provide a response at that time. Indian Trails responded on July 13, 2005. In its response, Complainant stated that it had statements from Lakefront Lines indicating that TARTA had approached Lakefront Lines about providing the service and that Lakefront Lines was not interested in this type of work independent of TARTA.

¹ Respondent receives Section 5307 and 5309 funds from FTA; therefore, they must comply with the charter regulations.

Due to TARTA's history of noncompliance with the charter regulations, it is currently under a remediation plan. As a condition of the remediation plan, FTA required TARTA to seek FTA approval in advance of all TARTA direct charters, as well as the leasing of TARTA vehicles and drivers. Pursuant to the remediation plan, TARTA requested FTA concurrence to provide buses to Lakefront Lines for the Jamie Farr Golf Classic. On June 17, 2005, FTA denied TARTA's request to provide buses to Lakefront Lines for the Jamie Farr Golf Classic. FTA determined that the request did not meet either the accessibility or capacity exceptions under the regulations.

Discussion

Due to the fact that the proposed charter service was never provided, the complaint is now moot.

Order

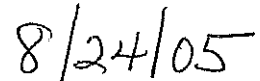
FTA is dismissing the complaint as moot.

In accordance with 49 C.F.R. § 604.19, the losing party may appeal this decision within ten days of receipt of the decision. The appeal should be sent to Jennifer Dorn, Administrator, FTA, 400 Seventh Street, S.W., Room 9328, Washington, D.C. 20590.



for

Donald Gismondi
Acting Regional Administrator



Date