

BEFORE THE FEDERAL TRANSIT ADMINISTRATION

TLC Charters & Tours,
Complainant,

v.

Charter Complaint
49 U.S.C. Section 5323(d)
Docket No. 2005-04

Toledo Area Regional Transit Authority,
Respondent.

DECISION

Summary

On May 4, 2005, TLC Charters & Tours (TLC) 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 pertained to Respondent’s potentially providing service 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 pursuant to a remediation plan. Respondent filed an answer dated August 11, 2005, indicating it would not be providing the proposed service. Complainant filed a reply on September 29, 2005, stating that since TARTA “had complied,” it would not be filing a rebuttal.

Based on the foregoing, FTA has concluded that the complaint is now moot.

Complaint History

Complainant TLC filed its complaint with the FTA on May 4, 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 August 11, 2005, TARTA responded to the complaint stating due to FTA’s previous denial to permit TARTA to lease buses to Lakefront Lines for the Jamie Farr Golf Classic, Lakefront Lines withdrew their request for the buses. On September 29, 2005, TLC responded and chose not to provide a rebuttal since the request was withdrawn by Lakefront Lines.

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

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

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 David Horner, Acting Deputy Administrator, FTA, 400 Seventh Street, S.W., Room 9328, Washington, D.C. 20590.

Donald Gismondi

Donald Gismondi
Acting Regional Administrator

11/8/05
Date