



US Department
of Transportation

**Federal Transit
Administration**

Administrator

400 Seventh St., S.W.
Washington, D.C. 20590

OCT - 4 2005

Mr. Jeremy Kahn
Kahn and Kahn
1730 Rhode Island Avenue, N.W.
Suite 810
Washington, DC 20036

Mr. David Gudgel
General Manager
Gray Line of Seattle
4500 West Marginal Way S.W.
Seattle, WA 98106

Mr. Kevin Desmond
General Manager
King County Metro
201 South Jackson Street, KSC-TR-0415
Seattle, WA 98104

Re: Charter Service Docket Number 2005-01

Dear Messrs. Kahn, Gudgel, and Desmond:

I write in response to the appeal filed by Gray Line of Seattle (Gray Line) dated February 11, 2005, decision by Mr. Richard F. Krochalis, the Regional Administrator for Region 10 of the Federal Transit Administration (FTA), on Gray Line's charter service complaint against bus services provided by King County Metro. I apologize for the delay in this response, but I appreciate the "limited" point on which the appeal is taken, and I have decided that Mr. Krochalis should reconsider his decision.

As you know, the appeal procedure under FTA's Charter Service rule at 49 CFR Part 604 states in pertinent part:

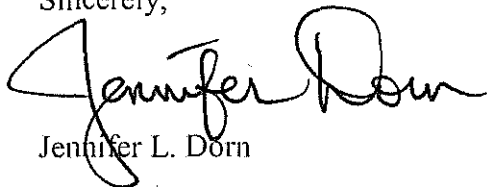
The Administrator will only take action on an appeal if the appellant presents evidence that there are new matters of fact or points of law that were not available or not known during the investigation of the complaint.

49 CFR 604.19(b).

The only issue raised in Gray Line's appeal letter is a request that "the final sentence in Conclusion of Law" #13 be struck from the Regional Administrator's decision, because Gray Line believes it is an incorrect statement of law. Gray Line concedes, however, that its disagreement does not justify a basis for appeal under FTA rules. The appeal request provided no new matters of fact or points of law for my consideration as required by 49 CFR 604.19(b). No grounds have been presented to me to take action on this appeal.

I appreciate Gray Line's concern regarding the potential value of this case as precedent and the possible lack of clarity present in the wording of the decision assuming Gray Line's position is correct. These are matters to be addressed by the initial decisionmaker. Accordingly, I am sending the decision back to our Regional Administrator Mr. Richard Krochalis for his reconsideration and any other procedural steps he may deem appropriate.

Sincerely,

A handwritten signature in cursive script that reads "Jennifer Dorn". The signature is written in black ink and is positioned above the printed name.

Jennifer L. Dorn

cc: Ms. Elizabeth Martineau, TCC-20
Mr. Richard Krochalis, TRO-10
Mr. Ted Uyeno, TRO-10