

BEFORE THE FEDERAL TRANSIT ADMINISTRATION

Tecumseh Trolley & Limousine Service,  
Complainant,

v.

Charter Service Docket No. 2005-09  
49 U.S.C. Section 5323(d)

Toledo Area Regional Transit Authority,  
Respondent.

---

**DECISION**

*Summary*

On May 24, 2005, Tecumseh Trolley & Limousine Service ("Tecumseh" or the "Complainant") filed a charter complaint with the Federal Transit Administration (FTA) regarding service being provided by the Toledo Area Regional Transit Authority<sup>1</sup> in Toledo, OH ("TARTA" or the "Respondent") allegedly in violation of the charter regulations, 49 Code of Federal Regulations (C.F.R.) Part 604. Tecumseh alleged that TARTA was providing and/or intended to provide shuttle service and/or its water taxi service for a number of functions between 2002-2005, including the Applebutter Festival, the Jamie Farr Golf Classic, Memorial Day parades, Toledo Air Shows and Flower Shows. In addition, Tecumseh posed a number of questions to the FTA.

In a reply dated June 22, 2005, TARTA indicated that it was awaiting FTA's decision whether it would be able to provide vehicles to Lakefront Lines (Lakefront) for the upcoming Applebutter Festival. As to the water taxi, TARTA indicated it was a private venture which at one time had been a stop on a regular TARTA route. However, the service had been discontinued since 2004. TARTA indicated that a request for TARTA to provide buses to Lakefront for the Jamie Farr Golf Classic was also pending with FTA. TARTA also stated that it did not provide vehicles for the Memorial Day parade; the Air Show is not scheduled for 2005; and TARTA is not familiar with the Flower Show and did not provide service for the show. TARTA further stated that it is currently complying with the charter regulations pursuant to its remediation plan.

On June 28, 2005, FTA forwarded TARTA's response to Tecumseh for it to reply. It was provided with thirty (30) days in which to reply.

On July 14, 2005, TARTA filed a supplemental response indicating that TARTA would not be providing service to Lakefront for the Jamie Farr Golf Tournament.

On August 4, 2005, Tecumseh sent two letters to FTA. One was addressed to the Regional Counsel in Kansas City demanding a response to its earlier questions. The second was addressed to the Regional Counsel in Region V asking for a response to a number of complaints. The letter

---

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

additionally requested that FTA order a voluntary disgorgement of fees from Capital Area Transit Authority (CATA) for its prior participation in the AG EXPO.

On August 24, 2005, Tecumseh was sent a second request for a response to TARTA's June 2005 rebuttal, as well as any response to TARTA's supplemental information.

Between August 2005 and December 2005, FTA contacted Tecumseh on numerous occasions via telephone and facsimile, providing it with an opportunity to file any additional information relating to the complaint or to file a rebuttal. To date, FTA has received no additional information from Tecumseh.

FTA denied TARTA's request to provide service to Lakefront for the Jamie Farr Golf Classic on June 17, 2005, and for the Applebutter Festival on August 9, 2005.

Upon reviewing the allegations in the complaint and the subsequent filings of the Complainant and the Respondent, FTA has concluded there is no evidence that Respondent is violating the charter regulations.

#### Discussion

FTA has reviewed all the filings by both parties and based on the record, there is no evidence that TARTA is currently violating 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 requires TARTA to seek FTA approval in advance of all TARTA direct charters, as well as the leasing of TARTA vehicles and drivers to private charter operators. TARTA is currently following that procedure.

Many of the allegations relating to past activities were resolved in prior charter decisions. TARTA did not provide service to Lakefront for either the Jamie Farr Golf Classic or the Applebutter Festival so the allegations related to those two events are moot.

With regard to specific information relating to fraud that Tecumseh may have, the information should be provided to the U.S. Department of Transportation's Office of Inspector General. FTA does not have the resources to conduct investigations beyond the scope of the charter complaint process as described at 49 C.F.R. Section 604.15. Tecumseh did not provide evidence relating to fraud in its complaint beyond the general allegation.

It is not appropriate for FTA to answer questions within the context of the charter complaint process. The charter complaint process is an opportunity for each side to present evidence related to alleged charter service and for the FTA to make a determination based on the evidence in the administrative record.

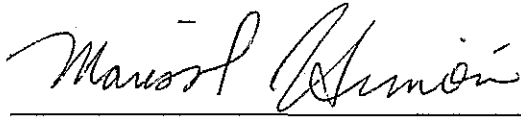
With regard to the request for CATA to disgorge money, it is beyond the context of the TARTA complaint.

#### Conclusion

Because Tecumseh failed to prove that TARTA is violating the charter regulations, FTA denies the complaint.

Appeal

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 Sandra Bushue, Deputy Administrator, FTA, 400 Seventh Street, S.W., Room 9328, Washington, D.C. 20590.



---

Marisol Simon  
Regional Administrator

9-19-2006  
Date