

BEFORE THE FEDERAL TRANSIT ADMINISTRATION

TLC Charters & Tours,
Complainant,

v.

Charter Complaint
49 U.S.C. Section 5323(d)
Docket No. 2005-11

Toledo Area Regional Transit Authority,
Respondent.

DECISION

Summary

On May 20, 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 related to Respondent potentially providing service for the Grand Rapids Applebutter Festival scheduled for October 2005. Respondent filed an answer dated August 11, 2005, indicating it would not be providing the service. Complainant filed a reply on September 29, 2005, stating that since TARTA "complied," it would not be filing a rebuttal.

Upon reviewing the allegations in the complaint and the subsequent filings of the Complainant and the Respondent, FTA has concluded that the complaint is now moot.

Complaint History

Complainant TLC Charters & Tours filed its complaint with the FTA on May 20, 2005 (received by FTA Region 5 on July 5, 2005). The complaint alleges that the Respondent intended to lease vehicles to Lakefront Lines for the Grand Rapids Applebutter Festival in violation of the charter regulations.¹ Pursuant to its remediation plan, TARTA contacted FTA for concurrence to lease buses to Lakefront Lines for the Applebutter Festival. On August 9, 2005, FTA denied TARTA's request.

On August 11, 2005, TARTA filed its response indicating it would not be providing the service. On September 29, 2005, TLC indicated it did not intend to file a rebuttal since TARTA "had complied."

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 to private charter operators.

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

11/10/05

Date