

ABC TRANSIT COMPLAINTS OF UNFAIR COMPETITION PROCEDURE

Following are the procedures for handling complaints by a private sector transportation provider that alleges unfair competition due to ABC Transit's expanded or current service structure.

1. The Finance Manager shall be responsible for receiving and investigating any complaints of unfair competition.
2. The Planning Manager shall be responsible for reviewing and analyzing the findings from the investigation.
3. The Planning Manager shall make a recommendation to the General Manager regarding the merits of the allegation of unfair competition.
4. The General Manager shall respond to the complaint with a written determination to the Complainant within ten (10) business days of receipt of the complaint. The determination shall include instructions for appeal(s) as stated below in steps 5 & 6.
5. Written Appeals to the General Manager's determination must be received by ABC Transit within ten (10) business days of the determination receipt. A mediator or mediation panel that does not include employees or Board Members of ABC Transit will hear the appeal.
6. If either ABC Transit or the Complainant is not satisfied with the mediator's decision, they may appeal the decision to Washington State Department of Transportation's Public Transportation and Rail Division. Appeals must be filed with the Public Transportation Office Manager within thirty (30) days of the mediator's decision and include the following:
 - ◆ An original signature of the chief executive officer of the entity filing the appeal.
 - ◆ The grounds under which the appeal is being filed.
 - ◆ A copy of the mediator's decision.

A copy of the appeal must be sent by the entity filing the appeal to the other party involved. Once the Public Transportation Office receives the appeal, it will review the decision and the procedures followed from the time the initial complaint was received by ABC Transit. The Public Transportation Office will review the procedures that were followed and issued a determination on the appeal.

7. The determination of the Public Transportation Office shall constitute the final appeal and decision.
8. A Complaints of Unfair Competition file or binder shall be maintained by the Finance Manager and include all correspondence regarding any complaints.

ABC TRANSIT COMPLAINTS OF UNFAIR COMPETITION POLICY

ABC Transit may receive complaints alleging unfair competition from private sector transportation providers who allege to have experienced a decline of business as a result of your grant funded project.

As per the Federal Transit Administration (FTA) guidelines, ABC Transit shall have procedures in place to process and respond to any complaints alleging unfair competition. These procedures should include the following elements:

1. A person(s) assigned with the responsibility of receiving, investigating and responding to these complaints.
2. An appeal process if the individual or organization filing the complaint is not satisfied with ABC Transit's response. The appeal process must identify a mediator or mediation panel that does not include employees or Board members of ABC Transit.
3. Notice to the individual or organization filing the complaint that ABC Transit's decision may be appealed to the Washington State Department of Transportation (WSDOT) with instructions for such appeal.