

## **Yakima Transit Complaints of Unfair Competition Policy**

Yakima Transit may receive complaints alleging unfair competition from private sector transportation providers who experienced a decline of business as a result of a grant funded transit project.

As per the Federal Transit Administration (FTA) guidelines, Yakima 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 Yakima Transit's response. The appeal process must identify a mediator or mediation panel that does not include employees or Yakima Transit board members.
3. Notice to the individual or organization filing the complaint that Yakima Transit's decision may be appealed to the Washington State Department of Transportation (WSDOT) with instructions for such appeal.

### **Complaints of Unfair Competition Procedure**

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

1. The Transit Manager shall be responsible for receiving and investigating any complaints of unfair competition and shall respond in writing to the complaint within twenty (20) days from the date the complaint is filed.
2. If the Complainant isn't satisfied with Yakima Transit's response, the Complainant may file an appeal with the Yakima Transit's Administrative Hearing Officer. There is no cost for filing the appeal with the Hearing Officer. The Hearing Officer shall hold a public hearing within thirty (30) days of the date the appeal is filed and respond to the complaint with a written determination to the parties within ten (10) business days of the hearing. The determination shall include instructions for appeals as stated below.
3. If either Yakima Transit or the Complainant is not satisfied with the Hearing Examiner's decision, they may appeal the decision to Washington State Department of Transportation's Public Transportation Division. Appeals must be filed with the Public Transportation Office Manager within thirty (20) days from the date the Hearing Examiner's decision is mailed and include the following:
  - ◆ An original signature of the Chief Executive Officer/President of the entity filing the appeal.
  - ◆ The grounds under which the appeal is being filed.
  - ◆ A copy of the Hearing Officer's decision.

A copy of the appeal must be sent by the entity filing the appeal to the other parties 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 Yakima Transit. The Public Transportation Office will review the procedures that were followed and issued a determination on the appeal within thirty (30) days from the date the appeal is filed.

4. The determination of the Public Transportation Office shall constitute the final appeal and decision.
5. A Complaint of Unfair Competition file or binder shall be maintained by the Transit Manager and include all correspondence regarding any complaints.

  
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Ken Mehin, Transit Manager

11/30/10  
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Date