

Jefferson Transit Authority

Resolution No. 09-23

A RESOLUTION of the Board of Directors of the Jefferson County Public Transportation Benefit Area, hereinafter called the "Authority", revising a Policy on Complaints of Unfair Competition.


WHEREAS, Jefferson Transit is audited periodically by the Washington State Department of Transportation for the purpose of evaluating the management of funds granted by the state agency; and


WHEREAS, the Washington State Department of Transportation has recommended an update of the standing policy to conform to current conditions and standards;

NOW, THEREFORE, BE IT RESOLVED that the Jefferson Transit Authority Board does hereby adopt the attached revised Policy and Procedure for Handling Complaints of Unfair Competition, effective immediately.

CERTIFICATION

The undersigned duly qualified Clerk of the Board, acting on behalf of the Jefferson County Public Transportation Benefit Area, certifies that the foregoing is a true and correct copy of a resolution adopted at a legally convened meeting of the Jefferson Transit Authority Board held on this 15th day of September, 2009.


David Sullivan, Chair


Catharine Robinson, Vice-Chair


Member


Member


Member

Attest:


Clerk of the Authority

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| <i>Title:</i> Policy and Procedure for Handling Complaints of Unfair Competition | <i>Resolution:</i> 09-24 (Policy revision) |
| <i>Author:</i> Dave Turissini | <i>Effective Date:</i> 12/10/86 <i>Revised</i> 9/15/2009 |

PURPOSE:

JEFFERSON 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 a grant funded project.

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

SCOPE:

This policy applies to any employee who receives complaints by a private sector transportation provider who alleges unfair competition due to Jefferson Transit's expanded or current service structure.

PROCEDURES:

1. The Finance/HR Administrator shall be responsible for receiving and investigating any complaints of unfair competition.
2. The Grants Administrator shall be responsible for reviewing and analyzing the findings from the investigation.
3. The Grants Administrator 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 JEFFERSON TRANSIT within ten (10) business days of the determination receipt. A mediator or mediation panel that does not include employees or Board Members of JEFFERSON TRANSIT will hear the appeal.
6. If either JEFFERSON 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 Office. 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 JEFFERSON 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.