

**Charter Complaint 2003-20**  
**Majestic Limousine Service vs. Des Moines MTA**

FTA Finding of Facts:

1. Web page as in existence on the date of the complaint is evidence of violation of charter rule. Web page is an ongoing advertisement that MTA provides charter service using federally-assisted equipment.
2. A listing in the current S.W. Bell Telephone Yellow Pages for MTA includes a Charter/Trolley telephone number. This listing is evidence of violation of the charter rule and is an ongoing advertisement that MTA provides charter service.
3. No charter provider in market area received direct notice that MTA intended to provide charter service.
4. There are more than 1 willing and able, charter providers serving the Des Moines, IA metropolitan area and Majestic Limousine services the complainant is one such provider. Carnival Coaches is another.
5. Majestic Limousine Service and Carnival Coaches, with which Majestic Limousine Service sometimes works, were denied a charter opportunity to supply 4 to 47 passenger coaches to First Tours on October 20, 2003, and these services were instead performed by MTA using federally-assisted equipment.
6. MTA has in the past provided service for Magical History Tours, which owns at least one 15 passenger van. MTA did not first establish whether Magical History Tours had the category of vehicles requested by the party seeking charter services, and it did not establish whether Magical History Tours' vehicle was in service and therefore unavailable or inadequate to meet the service capacity requested. MTA was therefore unable to determine if the service met all requirements of exception number 2 ( found at 49 CFR 604.9(b)(2)).
7. MTA has a quasi-exclusive relationship with Magical History Tours. This raises serious concerns that MTA has circumvented the charter regulation by systematically channeling all charter business to one entity with whom MTA has a brokering arrangement. This allows MTA to do indirectly what it cannot do directly, namely to provide an unlimited amount of charter service in competition with private operators.