

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1651

IN THE MATTER OF:

Served February 17, 1977

Application of McMICHAEL SCHOOL BUS)	Application No. 923
SERVICE, INC. for Certificate of)	
Public Convenience and Necessity to)	Docket No. 318
Perform Charter Operations)	

By application for reconsideration of Order No. 1593, served August 13, 1976, McMichael School Bus Service, Inc. (McMichael), seeks a certificate of public convenience and necessity to transport school children to and from schools located in Prince George's County, Maryland, and a certificate of public convenience and necessity to perform charter operations, over irregular routes, between schools in Northern Virginia and points in the District of Columbia, Montgomery County, and Prince George's County, Maryland, restricted to the transportation of school children and teachers.

By Order No. 1602, served September 7, 1976, McMichael's application for reconsideration was granted; McMichael's Application No. 923 was scheduled for further public hearing to commence October 11, 1976; McMichael was granted temporary authority to transport students and teachers of Madeira School, in charter operations, over irregular routes, from Madeira School, 8328 Georgetown Pike, Greenway, Fairfax County, Virginia, to points in the District of Columbia, and return, restricted to the performance of such transportation in school bus vehicles only; and McMichael was granted temporary authority to transport students, over irregular routes, from points in the Metropolitan District to St. Ignatius Parochial School, 2317 Brinkley Road, Oxon Hill, Maryland; St. John's School, 8914 Old Branch Avenue, Clinton, Maryland; St. Columba Roman Catholic School, 7800 Livingston Road, Oxon Hill, Maryland; Holy Family School, 2210 Calaway Street, Hillcrest Heights, Maryland; La Reine High School, 5100 Silver Hill Road, Suitland, Maryland; and Bishop McNamara High School, 6800 Marlboro Pike, Forestville, Maryland, and return. The Commission fully described the proposed transportation services in Order No. 1602 and that discussion is incorporated herein by this reference. In addition, the Commission's Order No. 1593 sets forth a detailed description of the applicant, which also is incorporated herein by this reference.

McMichael has supported its two separate requests for additional operating authority with sworn affidavits. With respect to the application for authority to transport school children to and from the specified schools in Prince George's County, Maryland, McMichael has submitted the affidavits of the principals at Bishop McNamara High School, La Reine High School, St Columba School, and Holy Family School, and the affidavit of the pastor of St. Ignatius Church. With respect to the application for authority to transport school children and teachers, in charter operations, over irregular routes, from and to schools in Northern Virginia, McMichael has submitted the affidavits of the Chancellor of the Diocese of Arlington, the director of auxiliary services for Arlington Public Schools, the principal of Custis Elementary School, the youth minister at Blessed Sacrament Church, and the co-curriculum director at the Madeira School.

The affidavits in support of the application to transport school children in Prince George's County, Maryland, each set forth the same general points in favor of a grant of McMichael's application. First, they indicate that McMichael has been rendering this service for several years, and such service was exempt from Commission regulation because McMichael was solely a transporter of school children and teachers to and from schools. See Order No. 1593, served August 13, 1976. Second, they indicate that the service is necessary because the schools do not provide their own transportation services. This lack of school-operated bus service results from the financial constraints placed upon the schools by their limited budgets. Third, public bus transportation in Prince George's County is not a suitable alternative because that bus service primarily is designed to serve the needs of the commuting members of the general public travelling to and from the District of Columbia. The public bus service is not designed to satisfy the needs of local schools for student transportation to and from the schools. Fourth, a denial of McMichael's application would adversely impact many students by denying them accessibility to the private schools involved. Apparently, many of the students rely upon McMichael as the only available and feasible means of transportation to and from the schools.

McMichael's proposed school service consists entirely of transporting the students to and from the schools. It would provide a pick-up and discharge service at various points throughout the several parishes involved in this application. The actual routes operated within each parish are dependent upon the students seeking and using the service. As a result, these routes may vary within the school year. Presently, McMichael transports approximately 460 students in the service. McMichael uses only five buses to render the service. However, it has available 20 buses which could be placed in service.

McMichael submitted a revenue and revenue deduction projection for each of the schools for the ten-month period September 1, 1976, through June 30, 1977. The revenue for each school was projected on the basis of the September 1976, revenue which was multiplied by 10. The revenue deductions for each school were determined by allocating the total expenses for the prior year's school operations among the six schools on the basis of revenue. The net result of the several projections is a net income of \$5,632.76, or approximately 10 percent of the projected revenue of \$55,679.41.

The affidavits in support of the proposed charter operations involving Northern Virginia can be separated into three general categories. First, the Chancery for the Diocese of Arlington, which includes those points in Virginia located in the Metropolitan District, indicates that McMichael's services have been used and have proven to be very satisfactory. Second, the Arlington Public Schools are able to use their own school buses only during a limited part of the school day and within a limited geographic area. As a result, the individual schools arrange for the use of a commercial bus for field trips to local sites. Third, special groups at individual schools need commercial buses for a variety of school sponsored programs.

McMichael submitted that Arlington County has reduced the use of its own school buses for extracurricular field trips because of budget constraints. In addition, McMichael indicated that its application for Northern Virginia was limited to charter services from and to schools and restricted to the transportation of students and teachers. McMichael projected annual income of approximately \$17,000 from the proposed charter services.

DISCUSSION AND CONCLUSIONS

Title II, Article XII, Section 4(b) of the Compact mandates that, whenever an application is made for a certificate of public convenience and necessity, the Commission shall issue a certificate to any qualified applicant therefor, " ... if it finds, after hearing held upon reasonable notice, that the applicant is fit, willing and able to perform such transportation properly and to conform to the provisions of this Act and the rules, regulations, and requirements of the Commission thereunder, and that such transportation is or will be required by the public convenience and necessity; otherwise, such application shall be denied."

The Commission finds that McMichael is fit, willing and able to perform both proposed operations. Although McMichael's financial condition is marginal, the record evidences a financial ability to continue the school operations in Prince George's County and to institute school charter operations involving Northern Virginia. The Commission also finds that McMichael would conform to the provisions of the Compact and pertinent rules, regulations and requirements thereunder.

With respect to the public convenience and necessity, the record in support of McMichael's application is a sufficient basis for a finding that members of the public need, and the public interest would be served by, the proposed operations. Accordingly, the Commission shall grant McMichael authority to transport students, in special operations, over irregular routes, from points in the Metropolitan District to the six specified schools in Prince George's County, Maryland, and return, and to transport students and teachers, in charter operations, over irregular routes, from schools in Arlington County, the Cities of Alexandria, Falls Church, and Fairfax, and the County of Fairfax, to points within the District of Columbia, Montgomery County and Prince George's County, Maryland, and return.

The Compact bestows upon the Commission "... the power to attach to the issuance of a certificate and to the exercise of rights granted thereunder such reasonable terms and conditions as the public convenience and necessity may require." See Compact, Title II, Article XII, Section 4(b). As previously stated, McMichael has amended its Application No. 923 to the extent that the proposed services would be rendered in school bus vehicles. The Commission finds that the public convenience and necessity require the attachment of a condition restricting the operations rendered to services in school bus vehicles.

The Compact requires each carrier to "... file with the Commission, and keep open to public inspection, tariffs showing (1) all fares it charges for transportation subject to this Act, ..., and (2) to the extent required by regulations of the Commission, the regulations and practices of such carrier affecting such fares." See Compact, Title II, Article XII, Section 5(a). McMichael has filed as part of its application for reconsideration two schedules of rates. The Commission shall approve the following school fare schedule: (A) for St. Ignatius Parochial School, St. Columba Roman Catholic School, Holy Family School, and St. John's School, the monthly rates per family would be \$14.50 for one child, \$19.50 for two children, \$22.50 for three children, and \$24.50 for four children or more and (B) for La Reine High School and Bishop McNamara High School, a \$22 per month per child rate. The Commission also shall approve the following school charter schedule: the initial charge would be \$65 for one hour garage time and four hours actual use; the charge for each additional hour would be \$14.50; and the one-way transfer charge would be \$45.

The Commission has considered the other matters presented by the record but finds they do not warrant action contrary to that which now is directed.

THEREFORE, IT IS ORDERED:

1. That Certificate of Public Convenience and Necessity No. 24 issued to McMichael School Bus Service, Inc., be, and it is hereby amended as attached hereto and made a part hereof to include the following:

SPECIAL OPERATIONS, transporting students only,

From points in the Metropolitan District to St. Ignatius Parochial School, 2317 Brinkley Road, Oxon Hill, Md.; St. John's School, 8914 Old Branch Avenue, Clinton, Md.; St. Columba Roman Catholic School, 7800 Livingston Road, Oxon Hill, Md.; Holy Family School, 2210 Calaway Street, Hillcrest Heights, Md.; La Reine High School, 5100 Silver Hill Road, Suitland, Md.; and Bishop McNamara High School, 6800 Marlboro Pike, Forestville, Md.; and return.

RESTRICTED to the performance of such transportation in school bus vehicles only.

CHARTER OPERATIONS, transporting students and teachers only,

From schools in Arlington County, Cities of Alexandria, Falls Church and Fairfax, and County of Fairfax, Va., to points in the District of Columbia, Montgomery County and Prince George's County, Md., and return.

RESTRICTED to the performance of such transportation in school bus vehicles only.

2. That McMichael School Bus Service, Inc., be, and it is hereby, directed to file two copies of Supplement No. 2 and two copies of Supplement No. 3 to its WMATC Tariff No. 1, in accordance with the authority hereinbefore set forth, such supplements to be effective upon acceptance by the Executive Director.

BY DIRECTION OF THE COMMISSION:


WILLIAM H. MCGILVER
Executive Director

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

NO. 24*

McMICHAEL SCHOOL BUS SERVICE, INC.

OXON HILL, MARYLAND

By Order No. 1651 of the Washington Metropolitan Area Transit Commission issued February 17, 1977;

AFTER DUE INVESTIGATION, it appearing that the above-named carrier is entitled to receive authority from this Commission to engage in the transportation of passengers within the Washington Metropolitan Area Transit District as a carrier, for the reasons and subject to the limitations set forth in Order Nos. 1419, 1593, and 1651;

THEREFORE, IT IS ORDERED, that the said carrier be, and it is hereby, granted this certificate of public convenience and necessity as evidence of the authority of the holder to engage in transportation as a carrier by motor vehicle; subject, however, to such terms, conditions and limitations as are now or may hereafter be attached to the exercise of the privilege herein granted to the said carrier.

IT IS FURTHER ORDERED that the transportation service to be performed by the said carrier shall be as specified below:

PART A

IRREGULAR ROUTES:

CHARTER OPERATIONS, round-trip or one-way

From points within the District of Columbia and the counties of Montgomery and Prince George's, Maryland, to points within the Metropolitan District, and return.

PART B

SPECIAL OPERATIONS, transporting students only

From points in the Metropolitan District to St. Ignatius Parochial School, 2317 Brinkley Road, Oxon Hill, Maryland; St. John's

School, 8914 Old Branch Avenue, Clinton, Maryland; St. Columba Roman Catholic School, 7800 Livingston Road, Oxon Hill, Maryland; Holy Family School, 2210 Calaway Street, Hillcrest Heights, Maryland; LaReine High School, 5100 Silver Hill Road, Suitland, Maryland; and Bishop McNamara High School, 6800 Marlboro Pike, Forestville, Maryland, and return.

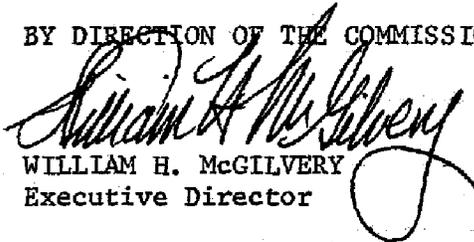
CHARTER OPERATIONS, transporting students and teachers only

From schools in Arlington County, Cities of Alexandria, Falls Church and Fairfax, and County of Fairfax, Virginia, to points in the District of Columbia, Montgomery County and Prince George's County, Maryland, and return.

RESTRICTED in A and B above to the performance of such transportation in school bus vehicles only.

AND IT IS FURTHER ORDERED and made a condition of this certificate that the holder thereof shall render reasonable, continuous and adequate service in pursuance of the authority granted herein, and that failure so to do shall constitute sufficient grounds for suspension, change or revocation of this certificate.

BY DIRECTION OF THE COMMISSION:


WILLIAM H. MCGILVERY
Executive Director

* This certificate cancels and supercedes Certificate of Public Convenience and Necessity No. 24, issued April 8, 1975, pursuant to Order No. 1419, and reissued August 13, 1976, pursuant to Order No. 1593.