

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1698

IN THE MATTER OF:

Served May 23, 1977

Application of OMNIBUS CORPORATION) Application No. 999
for Temporary Authority to Perform)
Charter Operations Pursuant to) Consolidated Docket No. 380
Five Contracts)

By Application No. 999, filed May 16, 1977, Omnibus Corporation (Omnibus) seeks temporary authority pursuant to Title II, Article XII, Section 4(d)(3) of the Compact. Specifically, Applicant seeks authority to transport passengers and mail, express and baggage, in the same vehicle with passengers, over irregular routes, as follows:

Charter operations pursuant to contract:

1. To transport passengers and their baggage in the same vehicle with passengers, between the National 4-H Club Center, 7100 Connecticut Avenue, Chevy Chase, Md., on the one hand, and, on the other, points in the Metropolitan District, restricted to transportation performed pursuant to a continuing contract or contracts with the National 4-H Club Center (4-H).
2. To transport students between Park Heritage Apartments, Briarwood Road, Annandale, Va., and Washington School for Secretaries, 2020 K Street, N. W., Washington, D. C., restricted to transportation performed pursuant to a continuing contract or contracts with Clasco, Inc., and further restricted to the transportation of students of the Washington School for Secretaries (WSS).
3. To transport students between Quality Inn Central, 1190 Court House Road, Arlington, Va., and U. S. Customs Service Academy, 3520 Prospect Street, N. W., Washington, D. C., and U. S. Customs Service, 14th Street and Constitution Avenue, N. W., Washington, D. C., restricted to transportation performed pursuant to a continuing contract or contracts with U. S. Customs Service (Customs).

4. To transport passengers between the Guest Quarters, 100 South Reynolds Street, Alexandria, Va., and The American Film Theatre, L'Enfant Plaza, S. W., Washington, D. C., restricted to transportation performed pursuant to a continuing contract or contracts with the U. S. Comptroller of the Currency (Comptroller).
5. To transport passengers between 700-19th Street, N. W., Washington, D. C., and Bretton Woods Recreation Center at Seneca, Md., restricted to transportation performed pursuant to a continuing contract or contracts with Bretton Woods Recreation Center (Bretton Woods).

Applicant is a Virginia corporation and holds no authority from this Commission. It has been performing various transportation services for several years in the Metropolitan District, including the services proposed herein. By Order No. 1686, served May 13, 1977, Omnibus was directed to cease and desist from the transportation for hire of persons between any points in the Metropolitan District, unless or until appropriate authority was in effect therefor.

Service described in part (1) of the application is proposed on a call-and-demand basis. Transportation as described in parts (2), (3), (4) and (5) of the application would consist of a one-way trip in the morning and a return trip in the evening. Applicant's equipment list includes 30 buses and 4 vans.

Omnibus filed a proposed tariff which recites that rates for the proposed services are confidential. The Commission has already ruled on the question of confidentiality in connection with the corresponding Application No. 996, and no useful purpose would be served by rediscussing the matter herein. See Order No. 1694, served May 19, 1977.

In support of the application, Omnibus states that it has been providing service for each of the contracting parties and desires to continue so to do. Assertedly, Omnibus believed that no authority for these services was required. The bases for such belief, however, is not specified. Applicant further alleges that the immediate cessation of the involved services would impose substantial hardship on the contracting parties.

Each of the contracting parties submitted a notarized statement in support of the application. Generally the supporting parties state that they have been satisfied with Applicant's service and desire its continuation. No specified details are provided, however, about attempts, if any, to secure service from authorized carriers. Applicant merely states that it believes there is no existing carrier which can presently provide service.

On May 19, 1977, McMichael School Bus Service, Inc., (McMichael), filed a protest to the application. McMichael holds Certificate No. 24 authorizing, as pertinent, round-trip or one-way charter operations from points in the District of Columbia and Prince George's and Montgomery Counties, Md., to points in the Metropolitan District and return, restricted to the performance of such service in school-bus type vehicles. Generally, McMichael contends that it is ready, willing and able to serve the needs of 4-H and Bretton Woods ". . . and other operations as well."

Title II, Article XII, Section 4(d)(3) of the Compact provides that the Commission may, in its discretion and without hearing or other proceedings, authorize the provision of service for which there is an immediate and urgent need, providing there is no carrier service capable of meeting such need.

In this proceeding, however, the evidence of record fails to establish conclusively that the statutory criteria have been met. As described above, McMichael has alleged that it can provide some of the desired service. Moreover, the Commission notes that several other carriers, including Vernoy Franklin, Dawson's Charter Service, Inc., The Gray Line, Inc., and Atwood's Transport Lines, Inc., hold authority conflicting, at least in part, with that sought herein. Accordingly, the matter shall be set for a public hearing. Because of the urgency alleged herein, the Commission shall schedule the hearing on an expedited basis and, except to the extent set forth below, shall waive the prehearing notice and protest requirements of Rules 6 and 14 of the Commission's Rules of Practice and Procedure.

Omnibus shall be assessed an amount preliminarily estimated to be sufficient to cover the expenses which the Compact, Title II, Article XII, Section 19(a) requires the carrier to bear.

THEREFORE, IT IS ORDERED:

1. That Application No. 999 of Omnibus Corporation be, and it is hereby, scheduled for public hearing to commence Friday, May 27, 1977, at 9:30 a.m. in the Hearing Room of the Commission, Room 314, 1625 I Street, N. W., Washington, D. C. 20006.

2. That Omnibus Corporation publish once in a newspaper of general circulation in the Metropolitan District and post in each of its vehicles notice of the application and hearing in the form prescribed by the staff of the Commission no later than Wednesday, May 25, 1977, and present at the hearing an affidavit of publication from the selected newspaper and a certificate of posting.

3. That, except as required above, the prehearing requirements of Commission Rules 6 and 14 be, and they are hereby, waived.

4. That Omnibus Corporation be, and it is hereby, assessed \$200 pursuant to the provisions of the Compact, Title II, Article XII, Section 19, and directed to deliver said amount to the office of the Commission, Room 316, 1625 I Street, N. W., Washington, D. C. 20006, no later than 12 noon on Wednesday, May 25, 1977.

BY DIRECTION OF THE COMMISSION:

A handwritten signature in cursive script, reading "Gregory P. Barth". The signature is written in dark ink and is positioned above the printed name.

GREGORY P. BARTH
Acting Executive Director