

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1710

IN THE MATTER OF:

Served June 16, 1977

Application of EDWARDS TRUCKING )  
COMPANY, INC., for Temporary Author- )  
ity and Certificate of Public )  
Convenience and Necessity to Conduct )  
Charter Operations Pursuant to )  
Contract with Parklawn Commuters )  
Club )

Application No. 1002

Docket No. 383

By Application No. 1002, filed June 3, 1977, Edwards Trucking Company, Inc. (Edwards), seeks temporary authority pursuant to Title II, Article XII, Section 4(d)(3) of the Compact and a certificate of public convenience and necessity pursuant to Section 4(b) of said Article. Specifically, applicant seeks authority to transport passengers pursuant to a contract with Parklawn Commuter Club (PCC), over irregular routes, between Eastover and Penn Mar Shopping Centers on the one hand, and, on the other, the Parklawn Building, 5600 Fishers Lane, Rockville, Md.

Pursuant to the terms of the contract, service would commence on June 6, 1977, for a period of 180 days. At the end of this period, Edwards and PCC would have the option to renew the contract by mutual agreement.

Applicant proposes to render this service in a 1976, 15-passenger, Dodge van, and a 1976, 25-passenger Argosy (Chrysler) van. <sup>1/</sup> Applicant has submitted a proposed tariff including a round-trip charge of \$40 per day per vehicle.

Applicant has submitted with its application a letter from PCC indicating the need for the proposed transportation. According to the letter, 22 commuters have an urgent need for the services proposed by Edwards because their previous carrier, McMichael School Bus Service, Inc. (McMichael), is terminating its transportation contract. The letter further states that PCC was unsuccessful in its attempts to negotiate a contract with other carriers.

A review of the operating rights issued by this Commission reveals that McMichael is a certificated carrier authorized to provide the proposed

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<sup>1/</sup> Applicant has yet to purchase said 25-passenger van, but represents that it will do so.

service. The Commission takes official notice, however, of the fact that by letter dated May 4, 1977, McMichael advised the Commission that it was terminating its contract with PCC effective June 3, 1977, due to PCC's inability to pay the agreed fee because of a decrease in ridership presumably resulting from the relocation of some employees of the Department of Health, Education, and Welfare. At present, 22 riders would use the proposed service.

The Compact, Title II, Article XII, Section 4(d)(3) authorizes the Commission to grant temporary authority, in its discretion and without hearing or other proceedings, to enable the provision of service for which there is an immediate and urgent need where there is no carrier service capable of meeting such need. Based on the foregoing, the Commission finds that the statutory criteria have been met. Accordingly, temporary authority shall be granted. 2/

Edwards' application for a certificate of public convenience and necessity must be scheduled for public hearing. Pursuant to the provisions of the Compact, Title II, Article XII, Section 19, Edwards shall be assessed an amount preliminarily estimated to cover the expenses of the proceeding. Edwards shall be required to submit a projected statement of revenues and revenue deductions for the proposed operation for a one-year period, and applicant shall also submit a full and complete current financial statement. Applicant shall be prepared to present a competent witness or witnesses in support of its application and supporting statements.

THEREFORE, IT IS ORDERED:

1. That Edwards Trucking Company, Inc., be, and it is hereby, granted temporary authority to transport passengers, in charter operations, pursuant to contract with Parklawn Commuter Club, over irregular routes, from Eastover Shopping Center, Oxon Hill, Md., to the Parklawn Building, 5600 Fishers Lane, Rockville, Md., and return, serving Penn Mar Shopping Center, Forestville, Md., as an intermediate point.

2. That Edwards Trucking Company, Inc., file its WMATC Temporary Authority Tariff No. 1 on or before June 21, 1977, to be effective upon acceptance by the Executive Director.

3. That the temporary authority granted herein be, and it is hereby, effective June 16, 1977, to expire December 2, 1977, unless otherwise ordered by the Commission.

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2/ The Commission realizes that applicant's presently owned 15-passenger van is not large enough to render transportation service for the entire 22 prospective passengers. However, in order to allow applicant to start this needed service immediately, the Commission will permit applicant to begin service using the 15-passenger vehicle presently available.

4. That Application No. 1002 of Edwards Trucking Company, Inc., for a certificate of public convenience and necessity be, and it is hereby, scheduled for public hearing to commence Thursday, July 21, 1977, at 9:30 a.m. in the Hearing Room of the Commission, Room 314, 1625 I Street, N. W., Washington, D. C. 20006.

5. That Edwards Trucking Company, Inc., post in its vehicles, continuously through the day of the hearing, notice of this application and hearing thereon, in the form prescribed by the staff of the Commission, no later than Monday, June 27, 1977, and present at the hearing a certification of such posting.

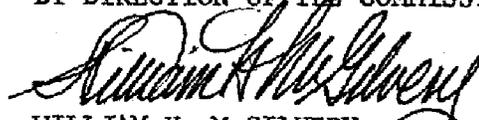
6. That Edwards Trucking Company, Inc., publish once, in a newspaper of general circulation in the Metropolitan District, notice of this application and hearing thereon, in the form prescribed by the staff of the Commission, no later than Monday, June 27, 1977, and present at the hearing a certificate of publication from the selected newspaper.

7. That any person desiring to protest the application shall file a protest in accordance with Commission Rule 14, or any person desiring to be heard on this matter shall notify the Commission in writing not later than Friday, July 8, 1977, and shall mail a copy of such protest or notice to counsel for applicant, Donald L. Noble, Esquire, Giordano, Alexander, Haas, Mahoney & Bush, 9401 Indian Head Highway, Oxon Hill, Md. 20022.

8. That Edwards Trucking Company, Inc., 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 offices of the Commission, Room 316, 1625 I Street, N. W., Washington, D. C. 20006, not later than 12 noon Thursday, July 14, 1977.

9. That Edwards Trucking Company, Inc., be and it is hereby, directed to deliver to the Commission not later than Thursday, July 14, 1977, six copies of a statement in appropriate detail projecting revenues and revenue deductions for a one-year period, six copies of a full and complete current financial statement, and is further directed to mail copies of such statements not later than Thursday, July 14, 1977, to each party of record as of Friday, July 8, 1977.

BY DIRECTION OF THE COMMISSION:

  
WILLIAM H. MCGILVERY  
Executive Director

