

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1940

IN THE MATTER OF:

Served December 12, 1978

BANNISTER ENTERPRISES, INC.,)
Investigation and Partial Revoca-)
tion of Certificate No. 32)

Case No. MP-78-17

Bannister Enterprises, Inc. (Bannister), holds Certificate of Public Convenience and Necessity No. 32 authorizing, inter alia, charter operations pursuant to contract to transport persons designated by Amtrak, and their baggage in the same vehicle with passengers, between Colonial Parking Garage, 400 North Capitol Street, N. W., Washington, D. C., and the facilities of Amtrak at or near Union Station, Washington, D. C., restricted to service rendered pursuant to a continuing contract or contracts between Bannister and Amtrak. Certificate No. 32 also provides that written notice must be filed by the carrier with the Commission within five days of any cancellation or termination of said contract or contracts.

Bannister's most recent contract with Amtrak expired December 31, 1977. No notice of such expiration, however, was filed by Bannister with the Commission. On August 18, 1978, the staff requested Bannister's advice on the status of this operation. Bannister's reply, filed August 24, 1978, states that "Amtrak has been temp[orarily] discontinued due to loss of operating funds but we continue to service in other areas of transportation not under WMATC authority." Again, on November 22, 1978, Bannister confirmed that service for Amtrak remained suspended.

Title II, Article XII, Section 3 of the Compact, Commission Regulation No. 63-01, and the fourth ordering paragraph of Certificate No. 32 all require that a carrier render reasonable, continuous and adequate service to the public in pursuance of its authority so to do. Bannister has not performed any service for Amtrak in over 11 months, and the Commission finds that Bannister is in violation of the above-specified regulatory provisions. The Commission also finds that Bannister failed to provide the required five-day written notice of the termination of its contract with Amtrak.

THEREFORE, IT IS ORDERED:

1. That the above-captioned proceeding is instituted pursuant to Title II, Article XII, Section 4(g) of the Compact for the purpose of determining whether that portion of Certificate of Public Convenience

and Necessity No. 32 authorizing Bannister Enterprises, Inc., to engage in charter operations pursuant to contract with Amtrak shall be revoked.

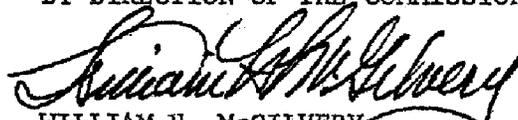
2. That Bannister Enterprises, Inc., is made a party respondent to the above-captioned proceeding.

3. That Bannister Enterprises, Inc., is directed within 30 days from the date of this order, fully to comply with the provisions of the Compact, Title II, Article XII, Section 3 of the Compact, Commission Regulation No. 63-01 and the terms of its Certificate No. 32 and is further directed within the same 30 days to file with the Commission an appropriate contract to provide transportation for Amtrak as prescribed by said Certificate No. 32.

4. That a public hearing is hereby schedule to consider the state of compliance of Bannister Enterprises, Inc., to commence January 11, 1979, at 1:30 p.m., in the hearing room of the Commission, Room 314, 1625 I Street, N. W., Washington, D. C. 20006.

5. That Bannister Enterprises, Inc., is hereby assessed \$200 to cover the estimated cost of said hearing pursuant to Title II, Article XII, Section 19 of the Compact and is directed to deliver said sum to the office of the Commission, Suite 316, 1625 I Street, N. W., Washington, D. C. 20006, no later than 12 noon on Wednesday, January 3, 1979.

BY DIRECTION OF THE COMMISSION:


WILLIAM H. MCGILVERY
Executive Director 