

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1942

IN THE MATTER OF:

Served December 18, 1978

Application of McMICHAEL SCHOOL BUS)
SERVICE, INC., for Certificate of)
Public Convenience and Necessity --)
Charter Operations)

Case No. AP-78-42

By application filed September 29, 1978, McMichael School Bus Service, Inc. (McMichael), seeks a certificate of public convenience and necessity to transport passengers in charter operations from points in the city of Alexandria, the city of Falls Church, the city of Fairfax, Fairfax County, Arlington County, and Dulles Airport, Va., to points in the District of Columbia, and Montgomery and Prince George's Counties, Md., and return. Pursuant to Order Nos. 1905 and 1921, served October 17, 1978, and November 17, 1978, respectively, and incorporated by reference herein, a public hearing on this application was held on December 5, 1978. No party appeared in opposition. */

McMichael holds Certificate of Public Convenience and Necessity No. 24, authorizing, inter alia, charter operations, round-trip or one way, from points within the District of Columbia and the counties of Prince George's and Montgomery, Md., to points within the Metropolitan District, and return, restricted to the performance of such transportation in school bus vehicles only. The authority requested herein would, if granted, result in McMichael having the right to perform charter operations between all points within the Metropolitan District.

With regard to service originating in Virginia, applicant currently is certificated to transport students and teachers in school bus vehicles from schools in the cities of Alexandria, Falls Church and Fairfax, and the counties of Arlington and Fairfax, Va., to points in the District of Columbia, Montgomery County and Prince George's County, Md., and to transport agents of the United States Customs Service between the Quality Inn, Arlington, Va., and the U. S. Customs Service Academy (Customs) in Washington, D. C. McMichael has also been providing service under temporary

*/ Protests were filed by Blue Lines, Inc., Atwood's Transport Lines, Inc., and Greyhound Airport Service, Inc., but were withdrawn prior to the hearing.

authority transporting passengers from a restaurant in Alexandria, Va., to Robert F. Kennedy Stadium, Washington, D. C., and return, coinciding with home football games involving the Washington Redskins. In addition, it is operating under direction of the Commission, Title II, Article XII, Section 4(e) of the Compact, pursuant to Order No. 1918, served November 13, 1978, in response to a petition filed by the Washington School for Secretaries (WSS), transporting WSS students and faculty from a student residence in Annandale, Va., to the school's facilities in Washington, D. C.

An equipment list was introduced at the hearing indicating that McMichael has recently purchased seven new school buses, replacing older equipment, for a total of 17 school bus vehicles owned by applicant and five school buses operated under lease. This equipment is sufficient to meet current needs as well as expected future demands for service. Interim financial statements for the 10 months ended October 31, 1978, and a projected revenue and expense statement were also introduced at the hearing. Testimony elicited from McMichael's certified public accountant generally shows that the company is in good financial condition, is expanding, and is capable of supporting the added cost of new buses and start-up expenses incurred in relation to operations in Virginia. The proposed tariff contains the same rates in effect for existing operations.

In support of the application, witnesses representing WSS, Customs and the local Special Olympics testified. The director of education at WSS stated that McMichael's service under temporary authority has been good and that the cost of using other carriers would be considerably more than that of McMichael and would involve passing on the extra expense to the students. She also expressed the possibility of relocating the student residence to another point in northern Virginia, still leaving the same transportation problems now in existence unless McMichael's application were granted.

The administrative officer of the Customs Academy testified as to the difficulty in arranging northern Virginia accommodations for customs agents attending the Academy, and the need for changing hotels from time to time. As a result, Customs has had a recurring problem in arranging transportation and has supported McMichael for a number of temporary authority applications. In addition to avoiding the higher cost of motor coach service as opposed to McMichael's school buses, the witness professed a desire to use just one carrier for all service needed, rather than using McMichael for currently certificated service from the Academy to northern Virginia and Washington, D. C., and another carrier from northern Virginia to the Academy. He rated McMichael's service as excellent and indicated that there was no federally-run shuttle service available.

The witness representing the Special Olympics, a non-profit organization providing sports competition for mentally retarded children, asserted a need for low-cost transportation for program participants in Virginia to travel to Washington, D. C., and Montgomery and Prince George's Counties, Md., for competitive events at various locations such as American University and Gallaudet College. In addition, a need exists for transportation of participants from northern Virginia to the Capital Center in Prince George's County and Robert F. Kennedy Stadium in Washington, D. C., for professional sports events. Until now, when transportation service has been needed, the program has had to rely on the use of private automobiles.

The Compact, Title II, Article XII, Section 4(b) provides that a certificate of public convenience and necessity shall be issued by the Commission if it finds ". . . that the applicant is fit, willing and able to perform such transportation properly and to conform to the provisions of the 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 applicant has sustained its burden of proof regarding the matter of need for service. Service provided by McMichael under its certificate for Customs, as well as numerous temporary authority operations, has been satisfactory. The evidence of record indicates a need for low-cost service not presently available and reflects the oft-repeated support by transportation users for such service in temporary authority proceedings. A grant of permanent authority would terminate the continuing need for petitioning this Commission for short-term authority, and would obviate the need for the Commission to repeat its unique action of directing McMichael to continue serving WSS despite the expiration of its temporary authority. The record in this proceeding also establishes that McMichael has sufficient, suitable equipment available and that it is fit, financially and otherwise, to conduct the service authorized herein.

The authority granted will be restricted to the performance of transportation in school bus vehicles only, to conform to the evidence presented, and, of course, no service solely in the Commonwealth of Virginia shall be authorized. See Compact, Title II, Article XII, Section 1(b). A revised certificate shall be issued authorizing McMichael to perform charter operations between points within the Metropolitan District (subject to the equipment and intra-Virginia restrictions) in addition to McMichael's existing special operations authority.

THEREFORE, IT IS ORDERED:

1. That the application of McMichael School Bus Service, Inc., to transport passengers in charter operations from points in Alexandria,

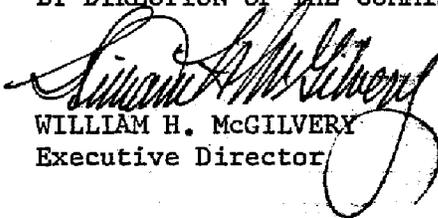
Fairfax, and Falls Church Cities, Fairfax and Arlington Counties, Va., and that part of Loudon County, Va., occupied by Dulles International Airport, to points in the District of Columbia and Montgomery and Prince George's Counties, Md., and return, is hereby granted, restricted to the performance of such transportation in school bus vehicles only and further restricted against transportation solely within the Commonwealth of Virginia.

2. That McMichael School Bus Service, Inc., is hereby directed to file two copies of an appropriate WMATC tariff in accordance with the authority granted herein, within 30 days from the date of service hereof, such tariff to be effective upon acceptance by the Executive Director.

3. That upon timely compliance with the requirement of paragraph 2, an appropriately revised Certificate of Public Convenience and Necessity No. 24 shall be reissued to McMichael School Bus Service, Inc.

4. That in the event McMichael School Bus Service, Inc., fails to comply with the directive set forth above within the said 30 days, or such further time as may be authorized by the Commission, the grant of authority made herein shall be considered as null and void and the application shall stand denied in its entirety effective upon expiration of the said compliance time.

BY DIRECTION OF THE COMMISSION:


WILLIAM H. MCGILVERY
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 Nos. 1419, 1593, 1651, 1826 and 1942 of the Washington Metropolitan Area Transit Commission issued April 8, 1975, August 13, 1976, February 17, 1977, and March 31 and December 18, 1978;

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, 1651, 1826 and 1942;

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, between points in the Metropolitan District.

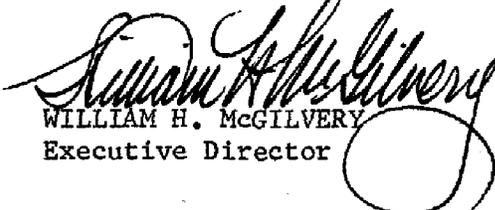
PART B

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.

RESTRICTED in A and B above to the performance of such transportation in school bus vehicles only, and further restricted in A above against transportation solely within the Commonwealth of Virginia.

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

BY DIRECTION OF THE COMMISSION:


WILLIAM H. MCGILVERY
Executive Director

* This certificate cancels and supercedes Certificate of Public Convenience and Necessity No. 24 last reissued April 18, 1978.