

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 2059

IN THE MATTER OF:

Served November 21, 1979

Application of TARA LINES, INC., )  
for Special Authorization to )  
Perform Charter Operations Pur- )  
suant to Contract with The Close- )  
Up Foundation )

Case No. CP-79-06

Application of EYRE'S BUS SERVICE, )  
INC., for Special Authorization to )  
Perform Charter Operations Pursuant )  
to Contract with The Close-Up )  
Foundation )

Case No. CP-79-07

By applications filed October 24, 1979, Eyre's Bus Service, Inc., and Tara Lines, Inc., seek authority to conduct charter operations pursuant to contract with The Close-Up Foundation as permitted under Special Certificate of Public Convenience and Necessity No. 1 and Commission Regulation No. 70. Each application proposes the transportation of youths participating in educational tour programs arranged for and conducted by The Close-Up Foundation between points in the Metropolitan District.

Order No. 2052, served October 29, 1979, generally described the evidence submitted with these applications and that order is incorporated by reference herein. The Commission required publication of notice and filing by each applicant of an affidavit of publication, and such affidavits were filed on November 14, 1979. No protests were received by the Commission.

Tara was required to file for approval contracts of lease for all non-owned motor vehicles as mandated by Commission Regulation No. 69. On November 8, 1979, Tara filed a letter 1/ and two lease agreements on forms prescribed by the Virginia State Corporation Commission. One lease covers a 1962 bus for the period October 1, 1979, through September 30, 1980, and the second covers two buses for a total period of July 1, 1979, through November 30, 1979. Tara asserts that this

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1/ The letter will be treated as a motion for leave to file contracts of lease on a nonprescribed form. Inasmuch as the Virginia SCC forms are substantially similar to those prescribed by WMATC, such motion will be granted, subject to certain conditions set forth below.

second lease will be extended if Tara does not purchase a bus from Greyhound Airport Service, Inc.

Commission Regulation No. 70 which governs the processing of these applications provides that the applications shall be granted if it is determined that the applicants are fit, willing, and able properly to perform the proposed service and to conform to the provisions of the Compact and the rules, regulations, and orders of the Commission thereunder and if it is determined that the proposed operation conforms to the provisions of Regulation No. 70. The issue of whether the public convenience and necessity requires such service has been decided in Case No. MP-79-04. See Order No. 2004, served June 20, 1979.

Inasmuch as the contracts are for a period in excess of 180 days, are between an accredited private school and a carrier, and call for the transportation of students and their teachers, the proposals conform to the provisions of Regulation No. 70. The Commission also finds that Eyre's Bus Service, Inc., is fit, willing, and able to meet the obligations described above, and that its application should be granted. Tara Lines, Inc., has failed to demonstrate conclusively that it can supply sufficient equipment to The Close-Up Foundation throughout the contract period without jeopardizing its other service commitments. 2/ Accordingly, it is found that Tara is fit, willing, and able to meet its obligations described herein, provided, however, that Tara file with the Commission, on or before November 30, 1979, notarized evidence conclusively demonstrating that Tara Lines, Inc., will own or lease at least three buses for the entire period of its contract with The Close-Up Foundation. Three copies of each lease contract (plus one additional copy for each bus in excess of one covered by a lease contract) must also be filed on or before November 30, 1979. Upon compliance with these prerequisites, the application of Tara Lines, Inc., shall be deemed granted. Should Tara Lines, Inc., fail to comply with these requirements, the conditional grant of authority to that carrier shall be considered void and Case No. CP-79-06 shall stand denied in its entirety effective upon the expiration of the said compliance time. Both Eyre's and Tara are also directed to file affidavits of compliance with Commission Regulation No. 70-10 governing identification of vehicles no later than November 30, 1979.

One final matter requires discussion. In Order No. 2052, it was observed that service to and from Baltimore-Washington International

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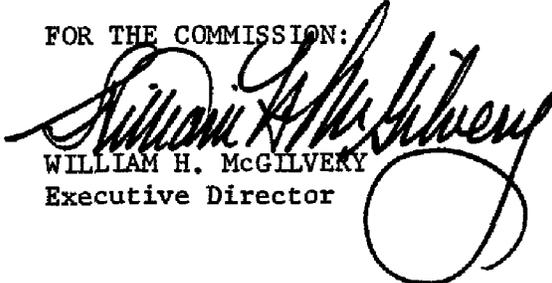
2/ Tara holds WMATC Authorization No. SP-57-01 authorizing charter service pursuant to a contract with the United States Department of Agriculture, and also operates commuter schedules pursuant to temporary authority issued by the Interstate Commerce Commission.

Airport and service solely within the Commonwealth of Virginia was beyond the jurisdiction of this Commission. Counsel for applicant has since advised that the tariffs submitted for Eyre's and Tara should be construed to exclude service to and from BWI and that the apparently intra-Virginia movements (between Washington National Airport and Dulles International Airport, on the one hand, and, on the other, the Quality Inn Pentagon Motel, Arlington County, Va.), are part of a continuing movement involving interstate service. On this basis, the tariffs filed by Eyre's and Tara shall be accepted.

An appropriate authorization for Eyre's Bus Service, Inc., is attached hereto. A similar authorization will be issued to Tara Lines, Inc., upon compliance with the requirements set forth herein.

IT IS SO ORDERED.

FOR THE COMMISSION:

  
WILLIAM H. MCGILVERY  
Executive Director

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

AUTHORIZATION NO. SP-17-01  
TO OPERATE PURSUANT TO  
SPECIAL CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY NO. 1

EYRE'S BUS SERVICE, INC.

WOODBINE, MARYLAND

BE IT KNOWN, that pursuant to Special Certificate of Public Convenience and Necessity No. 1 issued by the Washington Metropolitan Area Transit Commission by Order No. 2004, served June 20, 1979, and effective July 23, 1979, and pursuant to Order No. 2059, served November 21, 1979, approving the issuance of this authorization, the above-named carrier may engage in the transportation of passengers, in charter operations pursuant to contract, between points in the Metropolitan District, as follows:

CHARTER OPERATIONS PURSUANT TO CONTRACT with The Close Up Foundation transporting high school students and their teachers participating in educational tour programs arranged for and conducted by The Close Up Foundation between points in the Metropolitan District.

This authorization is valid from December 2, 1979, until June 29, 1980.

FOR THE COMMISSION:

  
WILLIAM H. MCGILVERY  
Executive Director