

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 2110

IN THE MATTER OF:

Served May 16, 1980

Application of RESTON COMMUTER)
BUS, INCORPORATED, for Special)
Authorization to Perform Charter)
Operations Pursuant to Contract)
with NIH Employees' Transportation)
Association)

Case No. CP-80-02

By application filed May 9, 1980, as supplemented on May 15, 1980, Reston Commuter Bus, Incorporated (RCB), seeks authorization to operate pursuant to WMATC Special Certificate of Public Convenience and Necessity No. 1 under a contract with National Institutes of Health Employees' Transportation Association (ETA), transporting members of ETA, over irregular routes, between Reston, Va., and the facilities of National Institutes of Health (NIH) located in Bethesda, Md. ETA states that it is a voluntary association of NIH employees living in Reston, Va., who have associated for the purpose of obtaining low-cost, fuel-efficient transportation between home and work. Inasmuch as this appears to be a qualifying group and the contract is for a period of one year, renewed automatically unless canceled, the application appears generally to be amenable to processing under Commission Regulation No. 70. 1/

The contract calls for the transportation of approximately 12 persons on a daily basis, weekends and Federal holidays excluded. RCB will use a 1979, 15-passenger van to perform the service. The contract price is \$660 a month and the cost of service is projected to be \$659 a month. The contract provides that cost increases "...shall be passed on directly to the association as additions to the price set forth above." 2/ RCB's balance sheet dated February 29, 1980, shows current assets of \$297,396, fixed assets (less depreciation) of \$4,203, current liabilities of \$252,709 and a surplus of \$48,890. "Minibus" services operated by RCB between points in Virginia were marginally profitable during the fiscal year ended February 29, 1980.

1/ See Order No. 2004, adopting Regulation No. 70, served June 20, 1979, and effective July 21, 1979.

2/ RCB is a nonprofit corporation operated exclusively for the promotion of social welfare within the meaning of Section 501(c)(4) of the Internal Revenue Code of 1954, as amended.

RCB states that it has nine years experience operating commuter bus systems in the Metropolitan District, that it is familiar with the rules, regulations and requirements of the Commission and will comply therewith, that it has not been found unfit by any regulatory agency, and that there is no current proceeding in which RCB's fitness is under investigation. ETA's president submitted an affidavit supporting the application and stating that the Association "has investigated . . .the applicant RCB, and is satisfied with applicant's ability properly to perform the proposed service." A certificate of insurance showing sufficient coverage was filed, but the certificate contains a cancellation clause which is inconsistent with Commission Regulation No. 62. The filing of a corrected certificate will be directed.

Pursuant to Commission Regulation No. 70-06, notice of this application must be published and opportunity given for the filing of protests. Protests, if any, must be written, sworn and notarized, and must contain all evidence and argument upon which the protestant would rely.

THEREFORE, IT IS ORDERED:

1. That Reston Commuter Bus, Incorporated, publish once, in a newspaper of general circulation in the Metropolitan District, notice of this application in the form prescribed by the staff of the Commission no later than Monday, June 2, 1980.

2. That applicant shall file an affidavit of such publication with the Commission no later than Wednesday, June 4, 1980.

3. That applicant file with the Commission a revised certificate of insurance containing the language "Should any of the above described policies be cancelled before the expiration date thereof, the issuing company will mail 30 days written notice to the below named certificate holder." no later than Wednesday, June 4, 1980.

4. That any person desiring to protest this application shall file a notarized protest in conformance with Commission Regulation No. 70-06 at the office of the Commission, Suite 316, 1625 I Street, N. W., Washington, D. C. 20006, no later than Thursday, June 12, 1980, and shall simultaneously serve a copy of such protest on counsel for applicant, Harold O. Miller, Esquire, 11715 Bowman Green Drive, Reston, Va. 22090.

FOR THE COMMISSION:


WILLIAM H. MCGILVERY
Executive Director