

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 2228

IN THE MATTER OF:

Served June 8, 1981

Application of CREATIVE TRAVEL OF )  
AMERICA, INC., for Special )  
Authorization to Perform Charter )  
Operations Pursuant to Contract-- )  
Temple Hills Commuters )

Case No. CP-81-05

By application filed February 23, 1981, as supplemented, Creative Travel of America, Inc., 1/ seeks authority to operate pursuant to WMATC Special Certificate of Public Convenience and Necessity No. 1 under a contract with the Temple Hills Organized Commuter Association (THOCA) transporting commuters between Temple Hills, Marlow Heights and Hillcrest Heights, Md., on the one hand, and, on the other, Washington, D. C. THOCA is an organized association of commuters authorized to contract for commuter transportation services between the Temple Hills, Md., vicinity and Washington, D. C.

Order No. 2197, served February 25, 1981, generally described the evidence submitted with the application, and that order is incorporated by reference herein. The Commission required Creative Travel to supplement its initial application by filing a tariff including a copy of its contract with THOCA, evidence that its leased vehicle is licensed and inspected by a signatory jurisdiction, proof that the company is qualified to do business as a foreign corporation in Maryland, and additional information concerning THOCA. Satisfactory statements were filed regarding the above requirements except for the tendered tariff. Creative Travel will be directed to file two copies of its WMATC Tariff No. 1 consisting of a title page prepared in accordance with Commission Regulation No. 55-04 and a copy of the THOCA contract. The tariff must include a definitive rate per person with no

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1/ The application was filed in the corporate name Creative Travel, Inc. The Corporate name has been changed to that shown in the caption above. See Order No. 2210, served April 3, 1981.

provision for increase predicated on outside events (such as an increase in gasoline prices). Any change in a WMATC tariff may be made only by application to and with approval of the Commission.

Protests to the application were due on March 12, 1981, and were to contain all evidence and argument on which a protestant intended to rely. McMichael School Bus Service, Inc., filed a protest challenging applicant's fitness inasmuch as Creative Travel had no back-up vehicle in the event of mechanical breakdown of its leased school bus. McMichael also asserted that it is capable of serving the Temple Hills area on transportation to Washington, D. C., in school bus vehicles.

Commission Regulation No. 70 which governs the processing of this application provides that the application shall be granted if it is determined that the applicant is 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 require such service has been determined in Case No. MP-79-04. See Order No. 2004, served June 20, 1979.

Inasmuch as the contract is for a minimum of 181 days and involves members of a qualifying association, the proposal conforms to the provisions of Regulation No. 70. It is also found that applicant is fit, willing and able to meet the obligations described above. The issue concerning back-up equipment raised by protestant McMichael has been ameliorated by a lease agreement between Creative Travel and a regulated carrier providing a school bus vehicle for applicant's use when needed. McMichael's assertion that it is capable of serving the Temple Hills area is irrelevant in a proceeding under Regulation No. 70 inasmuch as the issue of public convenience and necessity has already been determined in Case No. MP-79-04. 2/

Accordingly, the application will be granted commensurate with the terms of the contract between Creative Travel and THOCA, contingent upon the filing of the aforementioned tariff and an appropriate certificate of insurance. Additionally, Creative Travel will be directed to carry a copy of its lease agreement for its primary vehicle on that school bus as required by Commission Regulation No. 69-05. Appropriate authorization to operate will be issued upon acceptance for filing of an appropriate tariff and proper certificate of insurance by the Executive Director. Finally, Creative Travel is assigned WMATC

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2/ See Order No. 2004, served June 20, 1979.

Authorization No. SP-72-01, is directed to identify its vehicles in accordance with Commission Regulation No. 70-10 and is further directed to file an affidavit of compliance with that regulation within 10 days from the date of service of this order.

IT IS SO ORDERED.

FOR THE COMMISSION:

  
WILLIAM H. MCGILVERY  
Executive Director

