

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 2243

IN THE MATTER OF:

Served July 27, 1981

Application of YELLOW BUS LINES,)
INC., for Certificate of Public)
Convenience and Necessity to)
Perform Charter Operations)

Case No. AP-81-09

By application filed May 13, 1981, Yellow Bus Lines, Inc., seeks a certificate of public convenience and necessity to transport passengers, together with mail, express and baggage in the same vehicle with passengers, in charter operations between points in Prince George's County, Md., Arlington and Fairfax Counties, Va., and the Washington Metropolitan Area Transit District, except between points solely within Virginia, restricted to the performance of such transportation in school bus equipment. Pursuant to Order No. 2223, served May 20, 1981, and incorporated by reference herein, a public hearing on this application was held on June 14, 1981. No party appeared in opposition.

Yellow Bus holds WMATC Certificate of Public Convenience and Necessity No. 64 authorizing charter operations from points in the District of Columbia, Montgomery County, Md., the city of Alexandria, Va., and Washington National and Dulles International Airports to points in 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 Yellow Bus having the right to perform charter operations between all points in the Metropolitan District. Yellow Bus holds temporary authority granted in Order No. 2230, served June 10, 1981, to provide specified contract service between points in Prince George's County, Md., and points in the Metropolitan District.

Applicant's president testified that Yellow Bus has 15 buses used in WMATC operations and two buses segregated from the fleet for exclusive use for school routes and field trips with pickups in non-certificated jurisdictions. */ The witness stated that there have

*/ Equipment used in certificated service loses the so-called "school bus" exemption from regulation. See Compact Title II, Article XII, Section 1(a)(3), and Order Nos. 521 and 1593.

been occasions where requests for school service had to be turned down because the two vehicles used exclusively for school service were in use even though other vehicles were idle. She estimated this has occurred two or three times a month and sponsored an exhibit listing schools affected by this problem. In addition, an exhibit was presented indicating 23 separate occasions during the first six months of 1981, on which McMichael School Bus Service, Inc., the only other certificated carrier exclusively using school buses, referred charter work to Yellow Bus because McMichael did not have sufficient equipment available.

With respect to the company's financial status, the witness testified that for the year ending December 31, 1980, Yellow Bus had net income of \$5,513 on operating revenue of almost \$183,000, after having experienced an operating loss in the previous year. The turnaround was caused by an increase in business, primarily school contracts, according to the witness.

In support of the application, witnesses representing the Jewish Day School and the Jewish Community Center of Greater Washington testified, as did the proprietor of a certificated carrier. The transportation coordinator of the Jewish Day School stated that its daily school routes originate throughout the Metropolitan District including Prince George's County, Md., and Arlington and Fairfax Counties, Va. The need for service from these points has increased to the extent that the two vehicles Yellow Bus has segregated from its fleet to service uncertificated locales are insufficient to meet the required level of service.

The director of family recreation and company services at the Jewish Community Center testified that the need for school bus equipment is strongest during the summer months, but that charter trips are also scheduled on holidays during the school year. In addition, a site in being acquired in Northern Virginia for use as a camp in the summer months and as a retreat during the balance of the year. Transportation between points in the Metropolitan District and the camp will be needed. The witness stated that Yellow Bus has provided satisfactory service under both certificated service and temporary authority operations.

The proprietor of Creative Travel of America, Inc., has arranged to lease back-up equipment, as needed, from Yellow Bus and acknowledged his support for the application.

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 in this unopposed proceeding. Service provided by Yellow Bus under its certificate, as well as pursuant to temporary authority, has been satisfactory. The Commission is fully aware that the grant of authority herein results in the creation of a second carrier with area-wide school bus authority, but believes that the resultant competition will benefit the traveling public by more responsive service and moderate prices. The evidence in this proceeding indicates a need for Yellow Bus to be able to provide service throughout the Metropolitan District without restriction as to the use for which its equipment may be employed -- service for both school and non-school transportation. The record establishes that Yellow Bus 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 Yellow Bus to perform charter operations between points within the Metropolitan District, subject to the equipment and intra-Virginia restrictions.

THEREFORE, IT IS ORDERED:

1. That Yellow Bus Lines, Inc., is hereby granted authority to transport passengers, together with mail, express and baggage in the same vehicle with passengers, in charter operations between points in Prince George's County, Md., Arlington and Fairfax Counties, Va., and the Metropolitan District, restricted to the performance of such transportation in school bus vehicles only and further restricted against transportation solely between points in Virginia.

2. That Yellow Bus Lines, 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. 64 shall be reissued to Yellow Bus Lines, Inc.

4. That in the event Yellow Bus Lines, 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, COMMISSIONERS CLEMENT, SCHIFTER AND SHANNON:



WILLIAM H. MCGILVERY
Executive Director