

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 2436

IN THE MATTER OF:

Served June 30, 1983

Application of WASHINGTON MOTOR )  
COACH COMPANY, INC., for Special )  
Authorization to Perform Charter )  
Operations Pursuant to Contract )  
with Washington Workshops )  
Foundation )

Case No. CP-83-06

By application filed June 16, 1983, Washington Motor Coach Company, Inc., seeks authorization to conduct charter operations pursuant to WMATC Special Certificate of Public Convenience and Necessity No. 1 under a contract with Washington Workshops Foundation (WWF) transporting youth educational tour groups, accompanied by teachers, between points within the Metropolitan District.

The contract, to run for a period of six months ending December 18, 1983, is expected to provide income of \$17,723 for a representative five-month period, and require the dedicated use of three motor coaches. The basic rate structure includes a charge of \$110 per day for each vehicle with extra transfers charged at \$55 per vehicle for each transfer (\$40 for each transfer performed in a 14-passenger van). The applicant's balance sheet as of May 1, 1983, (shortly after incorporation) shows current assets of \$8,000, other assets (bus equipment) of \$35,000 and total liabilities of \$35,000.

Applicant's president states that he is experienced in the transportation industry, that he is familiar with the terms of the Compact and with the Commission's rules, regulations, and requirements and will comply therewith, and that neither he nor the corporation has ever been found to be unfit, nor is there any pending fitness proceeding at issue.

The Commission has, however, observed applicant provide service between points in the Metropolitan District which appears to be in violation of the Compact inasmuch as Washington Motor Coach holds no authority from this Commission. With respect to the above observations the Commission has received Case Incident Records from the National Park Service — U. S. Park Police indicating that on April 20 and 21, 1983, applicant was providing service between points in the Metropolitan District. These allegations, if true, would be violative of Title II, Article XII, Sections 4(a) and 5(d) of the Compact and,

of course, impact on applicant's fitness. While a hearing is not normally instituted for a determination of an application filed pursuant to Commission Regulation No. 70, the Commission believes it is more feasible to investigate these allegations at a hearing to be held on this application than to commence an investigation into the matter and scheduling a separate hearing thereon. Inasmuch as applicant has requested a waiver of Regulation No. 70-07, a hearing can be scheduled. Applicant and its president will be directed, pursuant to Compact, Title II, Article XII, Section 10(a) and (b)., to produce books, papers, correspondence, contracts and any other records which are relevant to the matter of the fitness of applicant and its president. Applicant will also be assessed an amount preliminarily estimated to cover the costs of the hearing as set forth in Title II, Article XII, Section 19(a) of the Compact. In addition, applicant's equipment, in one instance, was observed leaking fuel. A vehicle inspection by the Motor Carrier Safety and Hazardous Material Team, Department of State Police, Commonwealth of Virginia, has been arranged, as directed below, to check on the safety and suitability of applicant's equipment at applicant's facility July 18, 1983, at 9:00 a.m.

The Director of the Advanced Congressional Seminar and Junior High -- Middle School Seminar for WWF submitted an affidavit stating that the foundation, which operates as a government studies program for junior and senior high school students and their teachers, requires local transportation for approximately 1,500 students during the school year. The students are housed at Marymount College, Arlington, Va., and are bused primarily to the District of Columbia. The foundation has satisfied itself with the ability of applicant properly to perform the proposed service.

Inasmuch as there is a contract for a period in excess of 180 days between a private school and a carrier calling for the transportation of students and their teachers, this application appears to be amenable to processing under Commission Regulation No. 70. See Order No. 2004, served June 20, 1979, and effective July 21, 1979. 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. In addition, a hearing will be scheduled to investigate applicant's fitness, as discussed above.

**THEREFORE, IT IS ORDERED:**

1. That Washington Motor Coach Company, Inc., 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 Wednesday, July 6, 1983.

2. That applicant shall file an affidavit of such publication with the Commission no later than Friday, July 15, 1983.

3. 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 Monday, July 18, 1983, and shall simultaneously serve a copy of such protest on counsel for applicant, Lawrence E. Lindeman, Esquire, 4660 Kenmore Avenue, Suite 1203, Alexandria, Va. 22304.

4. That the above-captioned matter is hereby scheduled for hearing to commence Tuesday, July 26, 1983, at 9:30 a.m. in the Hearing Room of the Commission, Room 314, 1625 I Street, N. W., Washington, D. C.

5. That Washington Motor Coach Company, Inc., and applicant's president, Charles R. Nixon, Jr., are hereby directed to produce for inspection and photocopying any and all books, papers, correspondence, contracts and account records in their possession or under their control for applicant and all entities under the control, in whole or in part, of Charles R. Nixon, Jr., for the period April 1, 1982, through June 15, 1983, relating to any and all transportation between points in the Metropolitan District, whether or not subject to the Compact at the office of the Commission, Suite 316, 1625 I Street, N. W., Washington, D. C. 20006, no later than 10:00 a.m., Friday, July 15, 1983.

6. That all vehicles used for passenger transportation owned, and/or controlled by Washington Motor Coach Company, Inc., and/or Charles R. Nixon, Jr., and all vehicles used for passenger transportation under lease to Washington Motor Coach Company, Inc., and/or Charles R. Nixon, Jr., including, but not limited to the vehicles listed at Exhibit 5 of Washington Motor Coach Company, Inc.'s, application for special certificate authority, be available for inspection by the Motor Carrier Safety and Hazardous Material Team, Department of State Police, Commonwealth of Virginia, on Monday, July 18, 1983, at 9:00 a.m., at 2390 Mill Road, Alexandria, Va.

7. That Washington Motor Coach Company, Inc., is hereby assessed \$500 pursuant to Title II, Article XII, Section 19(a) of the Compact, and directed to deliver said amount to the office of the Commission, Suite 316, 1625 I Street, N. W., Washington, D. C., no later than 10:00 a.m., Friday, July 15, 1983.

FOR THE COMMISSION:



GREGORY PAUL BARTH  
Acting Executive Director