

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D.C.

ORDER NO. 2744

IN THE MATTER OF:

Served August 6, 1985

Application of LEATHERWOOD MOTOR)
COACH CORPORATION, for Special)
Authorization to Conduct Charter)
Operations Pursuant to Contract)
with Howard University)

Case No. CP-85-08

By application filed August 5, 1985, Leatherwood Motor Coach Corporation ("Leatherwood" or "applicant") seeks authority pursuant to WMATC Special Certificate of Public Convenience and Necessity No. 1 to transport students of Howard University in charter shuttle-bus operations pursuant to contract with Howard University between its main campus and off-campus housing facilities, all in Washington, D.C.

The proposed shuttle-bus operation would consist of scheduled service over two routes. The "Meridian Hill route" would originate and terminate at Park Square, 2407 - 15th Street, N.W., also serving Meridian Hill, 2601 - 16th Street, N.W.; the School of Business, 2345 Sherman Avenue, N.W.; the University Main Gate, 4th Street, N.W.; and Slowe Hall, 1919 - 3rd Street, N.W. The "Sutton Plaza route" would originate and terminate at Eaton Towers, 1239 Vermont Avenue, N.W., also serving Sutton Plaza, 1230 - 13th Street, N.W.; the School of Business, 2345 Sherman Avenue, N.W.; the University Main Gate, 4th Street, N.W.; and Slowe Hall, 1919 - 3rd Street, N.W.

The term of the contract is August 1, 1985, to July 31, 1986. The service is to be provided in 46- to 49-passenger buses, and the University will render determination of compliance of the vehicles with its requirements by inspection. Applicant has filed a certificate of insurance meeting the minimum coverage requirements of the Commission and of the contract. However, the cancellation clause does not meet Commission requirements, and we shall direct the filing of an appropriately revised certificate.

Applicant states that it is familiar with the terms of the Compact and the Commission's rules, regulations, and requirements and will comply therewith. Further, applicant states that it has not been found unfit, nor is its fitness under investigation.

Applicant has provided financial statements for the year ended December 31, 1983. Its balance sheet as of that date shows current

assets of \$395,099, fixed assets (after depreciation) of \$2,465,032, and other assets of \$21,000. In addition, it shows current liabilities of \$1,330,210, and non-current liabilities of \$1,991,983. Its operating statement for the period indicates net profit of \$14,926 on gross operating revenues of \$4,427,080. With regard to the proposed service, applicant projects revenues of \$321,890 and expenses of \$258,362.

Applicant has submitted a Notice of Award from Howard University, indicating the University's intention to award applicant a contract, an unexecuted copy of which accompanied the application. The application also includes a sworn and notarized statement from the University as required by Regulation No. 70-04. We will require that an executed copy of the contract be filed prior to the issuance of any authorization.

Applicant has also submitted an equipment list showing six 46-passenger coaches, four of which will be assigned to the proposed service, and two of which will be used as back-up vehicles. We will require that these vehicles be identified as required by Regulation No. 70-10.

Inasmuch as the parties have expressed their intention to execute a contract for the transportation of students pursuant to a contract with their school between points within the Metropolitan District for a period in excess of 181 days, the application appears amenable to processing under Commission Regulation No. 70. */ Consequently, 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 Leatherwood Motor Coach Corporation 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, August 7, 1985.

2. That applicant shall file an affidavit of such publication with the Commission no later than Friday, August 16, 1985.

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.,

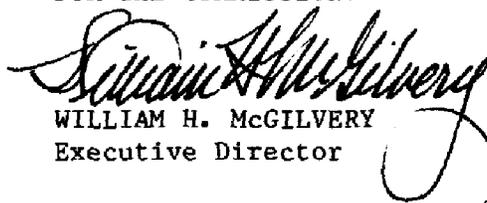
*/ See Order No. 2004, served June 20, 1979.

Washington, D.C. 20006, no later than Friday, August 16, 1985, and shall simultaneously serve a copy of such protest on counsel for applicant, Russell R. Sage, Esquire, 6121 Lincolnia Road, Suite 304, Alexandria, VA 22312.

4. That applicant shall submit no later than Friday, August 16, 1985, an affidavit that the vehicles to be used in the proposed service have been identified in accordance with Regulation No. 70-10, for which purpose "WMATC Special No. 121" is hereby assigned.

5. That applicant shall submit a certificate of insurance with an appropriate cancellation clause no later than Friday, August 16, 1985.

FOR THE COMMISSION:


WILLIAM H. MCGILVERY
Executive Director

