

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D.C.

ORDER NO. 2842

IN THE MATTER OF:

Served March 31, 1986

Application of CAPITOL BUS RENTAL, )  
INC., trading as Capitol Tours, )  
for Special Authorization to )  
Conduct Charter Operations Pursuant )  
to Contract with the U.S. Park )  
Police )

Case No. CP-86-02

By Order No. 2829, served February 25, 1986, the above-captioned application was denied by the Commission's Executive Director for lack of compliance fitness pursuant to Commission Regulation 70-07. On March 3, 1986, applicant filed an application for reconsideration pursuant to Regulation 70-08 and the Compact, Title II, Article XII, Section 16.

We have examined the record in this case and find the Executive Director's findings to have been correct as to the facts. About the first of October 1985, upon finding itself the successful bidder for this contract, applicant Capitol -- instead of filing the Regulation 70 application here under consideration -- entered into an equipment lease with Blue Lines, Inc. Capitol also alleges (but presents no evidence of) some sort of "subcontract arrangement" with Blue Lines. The Executive Director found, and we find, that operations for the U.S. Park Police were conducted by Capitol without the necessary operating authority.

From this the Executive Director concluded that applicant Capitol was unfit as to compliance and for that reason denied the application. However, on reconsideration we find that applicant Capitol did make some effort to comply with this Commission's requirements upon receiving this contract. However, its first attempt was, to put the best face on it, ill-advised, misguided, and totally inappropriate. Nevertheless, upon being caught in this posture, Capitol once again sought the road to compliance -- this time finding the right one.

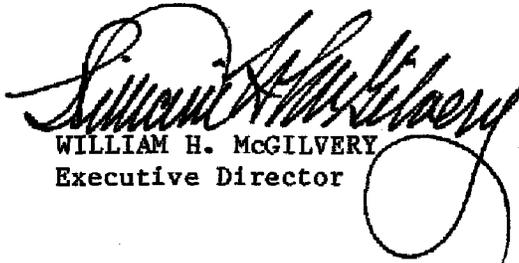
Putting the facts in the best possible light and resolving all doubts in favor of Capitol, we are able to have some expectation of future compliance fitness. Thus, we will grant Capitol the reconsideration it seeks and grant this application. Our approval shall be conditioned upon certain requirements, including the filing of an appropriate certificate of insurance naming Capitol Bus Rental, Inc., as the insured.

We shall also take this opportunity to rescind approval of the equipment leases between Capitol and Blue Lines. Neither carrier is in compliance with our leasing requirements.

THEREFORE, IT IS ORDERED:

1. That the application of Capitol Bus Rental, Inc., for Reconsideration of Order No. 2829 is hereby granted.
2. That upon reconsideration, the application of Capitol Bus Rental, Inc., in Case No. CP-86-02 is hereby granted.
3. That approval of all vehicle leases between Capitol Bus Rental, Inc., and Blue Lines, Inc., is hereby rescinded.
4. That upon compliance with the following paragraph, an appropriate authorization shall be issued.
5. That applicant shall file with the Commission (a) an appropriate insurance certificate naming Capitol Bus Rental, Inc., as the insured, (b) a list of equipment indicating make, model, serial number, license plate number and jurisdiction, and vehicle identification number of the vehicles to be used in performing this contract, (c) a certificate of inspection from a Compact signatory jurisdiction for each of those vehicles, (d) an affidavit of identification of those vehicles in accordance with Commission Regulation 70-10, for which purpose "WMATC Special No. 125" is hereby assigned, and (e) two copies of its WMATC Tariff No. 1.
6. That unless applicant complies with the requirements of the preceding paragraph within 30 days of the date of this order, this application shall stand denied in its entirety, effective upon the expiration of the said compliance time.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS WORTHY, SCHIFTER, AND SHANNON:

  
WILLIAM H. MCGILVERY  
Executive Director