

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D.C.

ORDER NO. 2976

IN THE MATTER OF:

Served February 6, 1987

Application of COLEMAN COACH)
CORPORATION for Temporary Authority)
-- Mantua and Fairfax City)

Case No. AP-86-32

By Order No. 2920, served October 9, 1986, and incorporated herein by reference, the Commission granted Coleman Coach Corporation ("Coleman Coach" or "applicant") temporary authority to transport passengers in regular route operations between Fairfax City, Va., and Washington, D.C., as described in Appendix A to this order conditioned upon filing with the Commission copies of the following: (1) a certificate of insurance in conformance with Regulation No. 62; (2) two copies of its WMATC tariff as described in its application in conformance with Regulation No. 55; (3) an equipment list specifying make, model, serial number, vehicle identification number, license plate number and jurisdiction for each vehicle to be used in WMATC operations; (4) proof that all vehicles to be used in WMATC operations are registered with and have been inspected by a signatory jurisdiction to the Compact; and (5) an affidavit of vehicle identification in conformance with Regulation No. 68. By its terms Order No. 2920 required that these items be filed no later than November 7, 1986. On November 7, 1986, none of the five items having been filed, Coleman Coach by its attorney requested an extension of 30 days for filing of these items. By Order No. 2929, served November 10, 1986, applicant's request for an extension was granted. On December 9, 1986, none of the items required having been filed, the grant of temporary authority contained in Order No. 2920 became void. Coleman Coach's application then stood denied in its entirety. 1/

On December 19, 1986, Coleman Coach filed a Motion to Reinstate Temporary Authority, and it is that motion which is before us for decision. In its motion applicant asserts that it filed

1/ Ordering paragraph No. 4 of Order No. 2920 provides as follows:

That unless Coleman Coach Corporation complies with the requirements of the preceding paragraph [requiring the above-described filings] within 30 days of the date of issuance of this order, or such additional time as the Commission may allow or direct, the grant of authority contained herein shall be void, and the application shall stand denied in its entirety upon expiration of the said compliance time.

contemporaneously with the motion all materials required by Order No. 2920. Applicant requests that the Commission reinstate temporary authority because it seeks to fill an unmet need for service between Fairfax City, Va., and downtown Washington, D.C., and because "[i]t has been fighting continuously since the beginning of this application to obtain the necessary compliance with WMATC regulations." Coleman Coach maintains that it has been unable to comply because its insurance company has been dilatory in providing an insurance certificate. Finally, Coleman Coach states that reinstatement of temporary authority will not harm any member of the public, or any existing passenger carrier.

A review of the record in this case indicates that Coleman Coach filed the following items with its Motion to Reinstate Temporary Authority: one copy of its WMATC Tariff No. 1; an equipment list; an affidavit attesting that all vehicles will be identified in accordance with Regulation No. 68; and proof that three vehicles included on the equipment list and a fourth vehicle not listed are registered with a signatory jurisdiction. On December 22, 1986, a certificate of insurance evidencing insurance in the amount of \$1,000,000 was also filed.

Applicant's motion is filed after a final order of the Commission, and it effectively requests that the Commission reverse a Commission order which is administratively final. In order to do this we would be obliged to reopen the above-captioned case and allow late filing by Coleman Coach of materials in compliance with Order No. 2920 for good cause shown. We do not find such an action to be a sound exercise of our discretion, and, therefore, we decline such action. A review of the record indicates that it is beyond question that Coleman Coach knew what materials were required by this Commission to begin operations and knew when those materials needed to be filed. Those requirements were stated clearly in Order No. 2920 which was served on Coleman Coach and its attorney. Coleman Coach, through its attorney, who represented applicant throughout this proceeding, requested an extension of time to comply with those requirements on the basis that its insurer was preventing full compliance. Despite this allegation and Coleman Coach's assertion that it has now complied with the necessary directives of Order No. 2920, we note that more than four months after issuance of that order Coleman has failed to comply with some very basic requirements. No certificates of inspection from a signatory jurisdiction have been supplied. Moreover, it would appear that Coleman Coach lacks the minimum insurance required by Regulation No. 62. Finally, applicant has failed to identify its vehicles and has not supplied the two copies of the tariff required by Order No. 2920. These last two items are wholly within applicant's control, and Coleman Coach has failed even to suggest a reason for its failure to file these items properly. Given applicant's lack of compliance, reopening Case No. AP-86-32 would serve no useful purpose.

THEREFORE, IT IS ORDERED that Coleman Goach Corporation's Motion to Reinstate Temporary Authority is hereby denied.

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



William H. McGilvery
Executive Director

Appendix A
Order No. 2976

From the junction of Routes 236 and 237, over Route 237 to Route 50, then over Route 50 to Warwick Avenue, then over Warwick Avenue to Bevan Drive, then over Bevan Drive to Orchard Street, then over Orchard Street to Route 655, then over Route 655 to Route 236, then over Route 236 to Route I 395, then over Route I 395 to 14th Street, S.W., then over 14th Street, S.W., to Independence Avenue, S.W., then over Independence Avenue, S.W., to 3rd Street, S.W., then over 3rd Street, S.W. and N.W., to Constitution Avenue, N.W., then over Constitution Avenue, N.W., to Pennsylvania Avenue, N.W., then over Pennsylvania Avenue, N.W., to 14th Street, N.W., then over 14th Street, N.W., to K Street, N.W., then over K Street, N.W., to 21st Street, N.W., serving all intermediate points, and serving the Pentagon as an off-route point.

From the Intersection of 21st and K Street, N.W., then over K Street, N.W., to 14th Street, N.W., then over 14th Street, N.W., to Pennsylvania Avenue, N.W., then over Pennsylvania Avenue, N.W., to Constitution Avenue, N.W., then over Constitution Avenue, N.W., to 3rd Street, N.W., then over 3rd Street, N.W. and S.W., to Independence Avenue, S.W., then over 14th Street, S.W., to Route I 395, then over Route I 395 to Route 495, then over Route 495 to Route 236, then over Route 236 to Route 655, then over Route 655 to Orchard Street, then over Orchard Street to Bevan Drive, then over Bevan Drive to Warwick Avenue, then over Warwick Avenue to Route 50, then over Route 50 to Route 237, then over Route 237 to junction Routes 236 and 237, serving all intermediate points and serving the Pentagon as an off-route point.