

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D.C.

ORDER NO. 3028

IN THE MATTER OF:

Served May 19, 1987

Application of McLEAN TRANSPORTA- )  
TION SERVICES, INC., for Temporary )  
Authority, Charter Operations for )  
Two Accounts )

Case No. AP-87-11

By application filed May 7, 1987, McLean Transportation Services, Inc., of Brentwood, Md., seeks temporary authority to transport passengers in charter operations between points in the Metropolitan District (1) for the account of Associates for Renewal in Education, Inc. ("ARE") and (2) for the account of the Black Catholic Congress Committee ("BCCC").

The evidence submitted with the application is summarized in Order No. 3018, served May 8, 1987, and incorporated herein by reference. Order No. 3018 also provided notice of this application and required the filing of protests, if any, by May 18, 1987. No protests were filed within the time set therefor.

Shaw Bus Service, Inc., of Baltimore, Md., filed a protest after expiration of the protest period. Shaw holds WMATC Certificate No. 100 and advises that it operates in excess of 50 school buses. Because these vehicles are not available in the month of May when BCCC requires service, Shaw confines its protest to ARE which requires service in June, July and August. Shaw says it stands ready, willing and able to serve ARE in school buses "during June and July, 1987." Shaw makes no mention of August. Finally, Shaw offers to file a new tariff matching McLean's price.

Even assuming that (1) the protest had been timely filed, (2) service is available from Shaw during the month of August, and (3) that Shaw could file a new rate significantly lower than its existing charter tariff rate and establish that it is compensatory, it would still be necessary to note that Shaw's certificate of insurance on file with the Commission covers just 12 vehicles, only two of which appear to be school buses. Accordingly, we have no evidence that the school vehicles to which Shaw alludes are properly insured for operations in the Washington Metropolitan District. The protest of Shaw Bus Service, Inc., will be dismissed.

Applications for temporary authority are governed by the Compact, Title II, Article XII, Section 4(d)(3). Under this section the applicant is required to show that there is an immediate and urgent need for the service and that there is no carrier service capable of meeting such need. Applicant is also required to show that it is fit to conduct the proposed service.

After reviewing the evidence submitted in this case we find that applicant has met the burden of proof required to obtain a grant of temporary authority. Notarized letters of support from ARE and BCCC show that there is an immediate and urgent need for applicant's services and that ARE and BCCC will use applicant's service if authority is granted. Both organizations have actively sought service from other companies and both have been unable to secure enough buses to meet their requirements.

Turning to the fitness of applicant, we note that it is an existing school bus carrier with a fleet of eight vehicles, model years 1973 to 1986. Applicant has filed a certificate of insurance showing that these vehicles are insured for \$5M as required by Commission Regulation 62-03. Applicant's financial projections show that it anticipates operating the proposed service at a profit. The filing and prosecution of this application evidence applicant's willingness and ability to comply with the Compact and the Commission's rules and regulations. Thus, the evidence in this record allows us to make a finding of fitness sufficient for a grant of temporary authority.

THEREFORE, IT IS ORDERED:

1. That McLean Transportation Services, Inc., is hereby conditionally granted temporary authority to transport passengers for hire in charter operations between points in the Metropolitan District, except transportation solely within the Commonwealth of Virginia, as follows:

(a) for the account of Associates for Renewal in Education, Inc., during the months of June, July, and August 1987; and

(b) for the account of Black Catholic Congress Committee, from May 21, 1987, through May 24, 1987.

2. That McLean Transportation Services, Inc., is hereby directed to file with the Commission prior to the commencement of the service as described hereinbefore: (a) two copies of its WMATC Temporary Authority Tariff No. 1 in the form prescribed by Regulation No. 55; and (b) an affidavit certifying compliance with Regulation No. 68 governing identification of vehicles.

3. That upon compliance with the requirements of the preceding paragraph within the time set therefor or such additional time as the Commission may direct or allow, the Executive Director shall notify applicant in writing that it may commence operations pursuant to temporary authority, whereupon the grant of temporary authority herein contained shall become effective.

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

  
William H. McGilvery  
Executive Director