

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 3305

IN THE MATTER OF:

Served March 16, 1989

Investigation of Need for Charter )	Case No. MP-88-37
Coach Service Pursuant to the )	
Compact, Title II, Article XII, )	
Section 4(d)(3) )	
Application of LEATHERWOOD MOTOR )	Case No. AP-88-39
COACH CORPORATION Trading as EAST )	
COAST PARLOR CAR TOURS for )	
Temporary Authority )	
Application of GREYHOUND LINES, )	Case No. AP-88-41
INC., for Temporary Authority )	

By petition filed February 17, 1989, Sparten Tours, Inc. (Sparten or applicant), seeks reconsideration of Order No. 3281, served January 25, 1989. Order No. 3281 denied Sparten's application for temporary authority on grounds of fitness. In pertinent part, Order No. 3281 provided:

On January 9, 1989, Sparten . . . submitted evidence of an inspection of its vehicles performed by the Maryland Public Service Commission (PSC) that same day. The inspection was performed according to USDOT criteria, and four buses listed on Sparten's equipment list were given PSC numbers. Other vehicles on Sparten's equipment list which were inspected that same day were ordered out of service due to mechanical deficiencies . . . . After reviewing the evidence produced by Sparten, we are unable to find Sparten fit at this time. For this reason, Sparten will not be granted temporary authority.

In its petition, Sparten alleges that the vehicles placed out of service were either placed out of service erroneously or should not have been inspected at all. In support of this claim Sparten submitted certain documentation.

After reviewing the evidence in this case, we find error to the extent that the Commission relied on an inspection report placing a vehicle out of service for defects which were the result of Sparten's undertaking major repairs on that vehicle. Such repairs could indicate attention to maintenance rather than the opposite. The vehicle in question, although insured, could not possibly be used until the repairs were completed. This error is insufficient to produce an outcome different from that expressed in Order No. 3281. However, we

note that with its Petition for Reconsideration Sparten filed evidence that the remaining equipment in question had been repaired and/or certain repairs certified to the Maryland Public Service Commission (PSC), and the vehicles reinspected by an authorized Maryland Inspection Station, Class C inspection. Sparten's vehicles are scheduled to be reinspected by the PSC.

Pursuant to Commission Rule No. 27-02, we shall reopen the proceeding as it pertains to Sparten for the sole purpose of receiving into the record evidence of changed factual conditions.

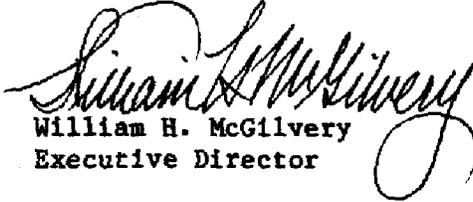
After reviewing the evidence produced by Sparten as part of its Petition for Reconsideration in combination with all evidence of record in this case as it applies to Sparten, we find that Sparten has substantially complied with the requirements of Order No. 3239, served October 7, 1988, and is, preliminarily for the purposes of temporary authority, fit to meet the transportation needs described in Order No. 3263, served December 9, 1988. This grant of temporary authority creates no presumption that corresponding permanent authority will be granted thereafter.

THEREFORE, IT IS ORDERED:

1. That the Petition for Reconsideration of Sparten Tours, Inc., is hereby granted.
2. That the application of Sparten Tours, Inc., for temporary authority is hereby reopened on the Commission's initiative.
3. That Sparten Tours, Inc., is hereby conditionally granted 180 days temporary authority, contingent upon compliance with the requirements of this order, to transport passengers in charter operations between points in the Metropolitan District, except transportation solely within the Commonwealth of Virginia, for the accounts of The Capital Informer, Inc.; Washington, Inc.; The Convention Store; American Student Travel, Inc.; the District of Columbia Chamber of Commerce Convention and Tourism Committee, and USA Hosts.
4. That Sparten Tours, Inc., is hereby directed, within 30 days of the issuance of this order, to file with the Commission two copies of its WMATC Temporary Authority Tariff No. 1 and an affidavit certifying compliance with Commission Regulation No. 67 governing identification of vehicles.
5. That unless Sparten Tours, Inc., complies with the requirements of the preceding paragraphs within 30 days of the service date of this order, the conditional grant of temporary authority contained herein shall be void, and such application as may be deemed to have been filed shall stand denied effective upon the expiration of said compliance time.
6. That the conditional grant of temporary authority made herein shall continue in effect through Friday, June 9, 1989, unless otherwise ordered by the Commission, contingent upon compliance with the requirements of this order.

7. That the Executive Director shall notify Sparten Tours, Inc., in writing, upon the timely compliance with the requirements of this order, that it may commence operations pursuant to temporary authority.

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

  
William H. McGilvery  
Executive Director

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