

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 3349

IN THE MATTER OF:

Served June 12, 1989

Formal Complaint of AMERICAN )  
COACH LINES, INC., and GOLD LINE, )  
INC., Against LAKELAND TOURS, INC. )

Case No. FC-89-01

On April 25, 1989, American Coach Lines, Inc., and Gold Line, Inc. (complainants), filed a formal complaint against Lakeland Tours, Inc. (respondent), alleging that respondent provides charter bus service between points in the Metropolitan District utilizing the buses and drivers of the Washington Metropolitan Area Transit Authority (WMATA or Metro) without appropriate authority from this Commission. Complainants have also provided (1) an unexecuted agreement between Metro and American Coach Lines, Inc., (2) an undated listing of "Contract Sales Accounts" between Metro and certain private carriers including complainants and respondent, and (3) a single Metro "Service Order and Manifest" showing "party using service" as "Lexington Middle School (Lakeland)."

Respondent states that "the activities complained of consist solely of charter bus trips wholly operated and performed by WMATA under contract engagement by Lakeland. WMATA utilizes its own equipment and personnel in providing this charter bus service." Respondent asks that the complaint be summarily dismissed.

The Compact, Title II, Article XII, Section 1(a) states in pertinent part:

This Act shall apply to the transportation for hire by any carrier of persons between any points in the Metropolitan District and to the persons engaged in rendering or performing such transportation service . . . .

The complaint and the response are consistent on the point that the passengers were transported by Metro, using Metro's buses and drivers. To the extent that Metro, not respondent, was the entity engaged in performing the transportation service, we find no "reasonable grounds for an investigation" 1/ of respondent Lakeland. "Whenever the Commission is of the opinion that any complaint does not state facts which warrant action on its part, it may dismiss the complaint without hearing." 2/

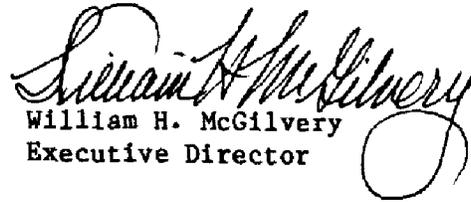
---

1/ Compact, Title II, Article XII, Section 13(a).

2/ Id.

THEREFORE, IT IS ORDERED that the Formal Complaint in Case No. FC-89-01 of American Coach Lines, Inc., and Gold Line, Inc., against Lakeland Tours, Inc., is hereby dismissed.

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

  
William H. McGilvery  
Executive Director