

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 3376

IN THE MATTER OF:

Served July 13, 1989

LUCILLE R. MOORE Trading as)
TRAVELINE TOURS, Suspension and)
Investigation of Revocation of)
Certificate No. 91)

Case No. MP-89-05

Application of LUCILLE R. MOORE)
Trading as TRAVELINE TOURS to)
Transfer Certificate No. 91 to)
SAM H. JOSEPH)

Case No. AP-89-34

The certificate of insurance on file for Lucille R. Moore trading as Traveline Tours expired June 18, 1989. By Order No. 3359, served June 20, 1989, the Commission instituted an investigation in Case No. MP-89-05, named Mrs. Moore as a party respondent, directed compliance with insurance requirements, directed Mrs. Moore to show cause why Certificate No. 91 should not be revoked, suspended Certificate No. 91, and directed Mrs. Moore to file an appropriate motion within 15 days if she wanted an oral hearing on the matter.

No motion for oral hearing was filed. By notarized letter dated June 26, 1989, Mrs. Moore acknowledged receipt of Order No. 3359 and advised the Commission that she had entered into an agreement to sell Certificate No. 91 to Sam H. Joseph, that she had sold her own vehicle, and that she did not renew her insurance when it expired. By unverified letter dated June 27, 1989, Mrs. Moore further advised the Commission that she had retired from her sightseeing business and moved to North Carolina.

By application filed June 9, 1989, and supplemented July 3 and 5, 1989, Lucille R. Moore trading as Traveline Tours asks the Commission to transfer Certificate No. 91 to Sam H. Joseph. Filed in support of the application are (1) an agreement between Mrs. Moore and Mr. Joseph, (2) a request by both parties to waive hearing on the application, (3) a statement by Mr. Joseph that he currently operates three limousines seating 6 persons or less and that if he receives Certificate No. 91 he intends to use a van seating 15 persons, including the driver, to conduct the service authorized therein, (4) a balance sheet and supporting schedules for Mr. Joseph as of May 31, 1989, (5) an operating statement and supporting schedules for Mr. Joseph for the five months ended May 31, 1989, and (6) three unverified letters stating that Mr. Joseph has been providing limousine service as an independent contractor for Japanese tour companies. A copy of Certificate No. 91 is attached to this order.

It appears that Case No. AP-89-34 falls within the ambit of the Compact, Title II, Article XII, Section 4(h) because it involves the transfer of a certificate, and also Section 12(a)(2) because it

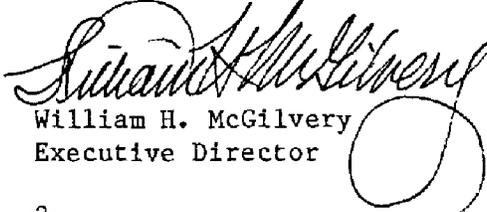
involves a carrier which operates in the Metropolitan District acquiring control of a carrier which operates in the Metropolitan District. The standard for approval in both above-cited sections is consistency with the public interest.

Unlike Section 4(h), Section 12(a) requires an opportunity for hearing. In connection with Case No. AP-89-34, Mrs. Moore and Mr. Joseph have already requested waiver of oral hearing, but there remains the possibility of the filing of protests. Mrs. Moore is deemed to have waived her opportunity for oral hearing in Case No. MP-89-05 by failing to request one within the time allowed by Order No. 3359. We will consolidate Case Nos. MP-89-05 and AP-89-34 for consideration, schedule Case No. AP-89-34 for public hearing, and provide an opportunity for the filing of protests to the application. In the event that no protest is timely filed, the Commission will consider the existing request of the parties as a motion to waive oral hearing, to waive the hearing assessment, and to proceed upon consideration of the application as filed, plus any additional argument or evidence the parties may care to present prior to the protest date.

THEREFORE, IT IS ORDERED:

1. That Case Nos. MP-89-05 and AP-89-34 are hereby consolidated for consideration.
2. That a public hearing in Case No. AP-89-34 is hereby scheduled to commence Tuesday, September 5, 1989, at 9:30 a.m. in the Hearing Room of the Commission, 1828 L Street, N.W., Suite 703, Washington, DC 20036-5104.
3. That Lucille R. Moore and Sam H. Joseph are directed jointly to publish once in a newspaper of general circulation in the Metropolitan District, notice of this application and the hearing thereon in the form prescribed by the staff of the Commission, no later than Monday, August 7, 1989, and shall file with the Commission an affidavit of such publication no later than Friday, August 25, 1989.
4. That any person wanting to protest this application shall file a protest in accordance with Commission Regulation No. 14, or any person wanting to be heard on this matter shall so notify the Commission, in writing, no later than Friday, August 25, 1989, and shall simultaneously serve a copy of such protest or notice on L. R. Moore, 100 N. Moring Avenue, Rocky Mount, NC 27801.
5. That Lucille R. Moore and Sam H. Joseph are each hereby assessed \$200 pursuant to the Compact, Title II, Article XII, Section 19, and each is hereby directed to deliver said amount to the office of the Commission no later than Friday, August 25, 1989.

FOR THE COMMISSION:


William H. McGilvery
Executive Director

NO. 91

LUCILLE R. MOORE

Trading As

TRAVELINE TOURS

WASHINGTON, D. C.

By Order Nos. 2447, 2483, 2504, and 3101 of the Washington Metropolitan Area Transit Commission issued August 9, October 7, December 2, 1983, and December 4, 1987;

AFTER DUE INVESTIGATION, it appearing that the above-named carrier is entitled to receive authority from this Commission to engage in the transportation of passengers within the Washington Metropolitan Area Transit District as a carrier, for the reasons and subject to the limitations set forth in Order Nos. 2447, 2483, 2504 and 3101;

THEREFORE, IT IS ORDERED that the said carrier is hereby granted this certificate of public convenience and necessity as evidence of the authority of the holder thereof to engage in transportation as a carrier by motor vehicle; subject, however, to such terms, conditions and limitations as are now, or may hereafter be, attached to the exercise of the privilege herein granted to the said carrier.

IT IS FURTHER ORDERED that the transportation service to be performed by the said carrier shall be as specified below:

IRREGULAR ROUTES:

SPECIAL OPERATIONS, transporting passengers, restricted to lectured, round-trip sightseeing tours, between Mount Vernon and Arlington National Cemetery, Va., and points in that part of the District of Columbia south of a line beginning at the junction of Constitution Avenue, N.W., and Rock Creek Parkway, N.W., thence along Constitution Avenue, N.W., to 17th Street, N.W., thence along 17th Street, N.W., to Pennsylvania Avenue, N.W., thence along Pennsylvania Avenue, N.W., to 10th Street, N.W., thence along 10th Street, N.W., to F Street, N.W., thence along F Street, N.W., to 9th Street, N.W., thence along 9th Street, N.W., to Pennsylvania Avenue, N.W., thence along Pennsylvania Avenue, N.W., to Constitution Avenue, N.W., thence along Constitution Avenue to its junction with 2nd Street, N.E.

RESTRICTED to the transportation of passengers in vehicles with a manufacturer's designed seating capacity of 15 passengers or less (including the driver).

AND IT IS FURTHER ORDERED and made a condition of this certificate that the holder thereof shall render reasonable, continuous and adequate service to the public in pursuance of the authority granted herein, and that failure to do so shall constitute sufficient grounds for suspension, change or revocation of the certificate.