

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 3420

IN THE MATTER OF:

Served October 6, 1989

Application of AMERICAN COACH)
LINES, INC., for Special)
Authorization to Perform Charter)
Operations Pursuant to Contract)
with CLOSE-UP FOUNDATION)
Case No. CP-89-05

By application filed October 4, 1989, American Coach Lines, Inc. (ACL or applicant), seeks authorization to conduct charter operations pursuant to WMATC Special Certificate of Public Convenience and Necessity No. 1 under contract with Close Up Foundation (Close Up), transporting teachers and youths participating in educational tour programs arranged and conducted by Close Up, together with baggage in the same vehicles as passengers, in charter operations between points in the Metropolitan District. */

The contract between ACL and Close Up, which cannot commence prior to a grant of authority, is based on Close Up requirements for the period August 1, 1989, through July 31, 1990. Applicant is required to provide between eight and twelve 45-passenger vehicles. The contract specifies that vehicles used for performance under the contract must be owned by ACL except where otherwise approved in writing by Close Up. Applicant's equipment list shows all leased vehicles and Close Up approved use of the leased vehicles by letter dated September 22, 1989. While a certificate of insurance is on file with the Commission it fails to provide proper coverage for all of the vehicles shown on the equipment list submitted with ACL's application. Appropriate evidence of insurance must, therefore, be filed.

ACL is a Virginia corporation holding WMATC Certificate No. 103. Its president certifies that he is familiar with the Compact and the Commission's rules and regulations. Applicant has not been found unfit by any regulatory agency nor is its fitness the subject of any ongoing investigation.

Mr. David Villani, vice president of finance and administration for Close Up, submitted a notarized statement dated August 22, 1989, which states that Close Up is a non-profit educational entity requiring transport for program participants and its employees. The number of persons carried will vary daily. Mr. Villani investigated the qualifications of ACL and is satisfied that it will be able to perform the proposed service.

*/ To the extent this application proposes transportation between points solely within Virginia, it is hereby dismissed pursuant to the Compact, Title II, Article XII, Section 1(b).

Inasmuch as a contract has been executed for transportation of students and teachers by a school for a period in excess of 181 days, the application appears to be amenable to processing under Commission Regulation No. 70. See Order No. 2004, served June 4, 1979. Consequently, notice of this application must be published and opportunity given for the filing of protests. Protests, if any, must be written, sworn, and notarized and must contain all evidence and argument upon which the protestant would rely.

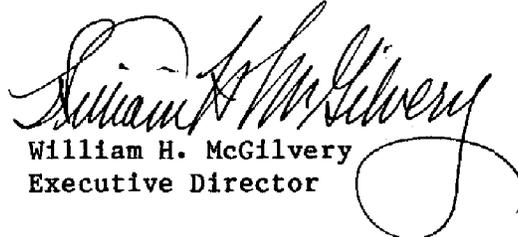
THEREFORE, IT IS ORDERED:

1. That American Coach Lines, Inc., is hereby directed to publish once in a newspaper of general circulation in the Metropolitan District notice of this application in the form prescribed by the staff of the Commission no later than Monday, October 16, 1989.

2. That American Coach Lines, Inc., shall file with the Commission no later than Thursday, October 26, 1989, (a) an affidavit of publication of notice and (b) a certificate of insurance covering all vehicles on equipment list.

3. That any person desiring to protest this application shall file a notarized protest in conformance with Commission Regulation No. 70-06 at the office of the Commission, 1828 L Street, N.W., Suite 703, Washington, DC 20036-5104, no later than Thursday, October 26, 1989, and shall simultaneously serve a copy of such protest on counsel for applicant, Mr. Robert B. Walker, Esquire, 1275 K Street, N.W., Suite 875, Washington, DC 20005.

FOR THE COMMISSION:


William H. McGilvery
Executive Director