

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 3449

IN THE MATTER OF:

Served January 4, 1990

Application of D.A.Y. ENTERPRISES,)
INC., for Temporary Authority --)
Thrifty Tours, Inc.)

Case No. AP-89-50

By application filed November 14, 1989, D.A.Y. Enterprises, Inc. (applicant), seeks temporary authority to transport passengers in charter operations, together with mail, express, and baggage in the same vehicles as passengers, for the account of Thrifty Tours, Inc., between points in the Metropolitan District except transportation solely within the Commonwealth of Virginia, restricted to transportation in vehicles having a manufacturer's designed seating capacity of 32 persons or less (including the driver).

Order No. 3435, served November 28, 1989, generally described the evidence submitted with the application, and that order is incorporated herein by reference. Order No. 3435 served as publication of notice and directed that protests be filed in accordance with Commission Rule No. 14 no later than December 8, 1989. No protests to the application were received by the Commission within the time set therefor.

Title II, Article XII, Section 4(d)(3) of the Compact provides that the Commission may, in its discretion, grant an application for temporary authority, without hearing or other proceeding, if it finds that there is an immediate and urgent need for the service proposed by the application and that no other carrier service is capable of meeting that need. Fitness of the applicant is also required. See Application of Suburban Transit Company for Temporary Authority to Serve the Capital Centre, Order No. 1643, served January 24, 1977; Application of American Coach Lines, Inc., for Declaratory Order or, in the Alternative, Temporary Authority to Conduct Charter Operations Between Points in the Metropolitan District, Order No. 2738, served July 22, 1985; See also Order Nos. 2440, 2448, 2864, and 3221, served July 8, 1983; August 10, 1983; May 23, 1986; and August 23, 1988, respectively.

Inasmuch as no duly authorized carrier protested this application thereby indicating its ability and willingness to provide the service proposed by applicant, the Commission finds that no other carrier is capable of meeting the service need to which applicant's witness attested. It is further found, based on the evidence of record as described in Order No. 3435, that there is an immediate and urgent need for the service described in this application (except that there is no evidence of any need to transport mail and express) and that applicant is fit to provide that service.

THEREFORE, IT IS ORDERED:

1. That D.A.Y. Enterprises, Inc., is hereby conditionally granted 180 days temporary authority, contingent upon compliance with the terms of this order, to transport passengers in charter operations, together with baggage in the same vehicles as passengers, for the account of Thrifty Tours, Inc., between points in the Metropolitan District restricted against transportation solely within the Commonwealth of Virginia, and further restricted to transportation in vehicles having a manufacturer's designed seating capacity of 32 persons or less (including the driver).

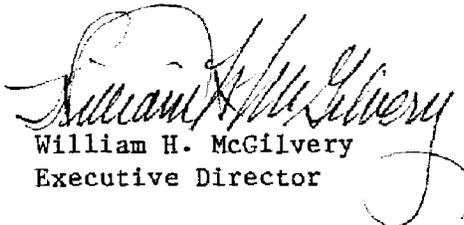
2. That D.A.Y. Enterprises, Inc., is hereby directed, no later than 30 days from the service date of this order (a) to identify its vehicles in accordance with Commission Regulation No. 67-03; (b) to file an affidavit of compliance with Commission Regulation No. 67-03; (c) to file three copies of its WMATC Temporary Tariff No. AP-89-50; (d) to file an equipment list stating make, model, serial number, vehicle number (if any), seating capacity, and license plate number (with jurisdiction) for all vehicles to be used in revenue operations; (e) to file evidence of ownership or a lease(s), as appropriate, for all vehicles to be used in revenue operations; and (f) to file a certificate of insurance in conformance with Commission Regulation No. 62 covering all vehicles to be used in revenue operations.

3. That the Executive Director shall notify D.A.Y. Enterprises, Inc., in writing, upon its timely compliance with the requirements of this order, that it may commence operations pursuant to temporary authority.

4. That the temporary authority granted herein shall expire Friday, July 6, 1990, unless otherwise ordered by the Commission.

5. That unless D.A.Y. Enterprises, Inc., complies with the requirements of this order within 30 days from date of service or in such additional time as the Commission may direct or allow, the grant of authority contained herein shall be void, and this application shall stand denied in its entirety, effective upon the expiration of the said compliance time.

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


William H. McGilvery
Executive Director