

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 3571

IN THE MATTER OF:

Served October 4, 1990

Application of WINTER GROWTH, INC.,)
for Temporary Authority to Conduct)
Charter Operations for the)
Transportation-Disadvantaged)

Case No. AP-90-36

By application filed August 28, 1990, Winter Growth, Inc. (Winter Growth or applicant), seeks temporary authority to transport transportation-disadvantaged */ passengers in round-trip charter operations from points in Montgomery County, MD, to points in the Metropolitan District, and return.

Order No. 3554, served September 14, 1990, generally described the evidence submitted with the application, and that order is incorporated herein by reference. Order No. 3554 served as publication of notice and directed that protests, if any, be filed in accordance with Commission Rule No. 14 no later than Tuesday, September 25, 1990. No protest to the application was received by the Commission.

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 hearings or other proceedings, 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 22, 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 need for the proposed service.

*/ Transportation-disadvantaged persons are those individuals who by reason of age, physical or mental disabilities are unable without special facilities or special planning or design to utilize transportation facilities and services as effectively as persons who are not so affected." Order No. 2015, served August 7, 1979, at pp. 3 and 4.

It is further found, based on the evidence of record as described in Order No. 3554 and this order, that there is an immediate and urgent need for the service described in this application and that applicant is fit to provide that service.

THEREFORE, IT IS ORDERED:

1. That Winter Growth, Inc., is hereby conditionally granted a maximum of 180 days temporary authority, contingent upon timely compliance with the terms of this order, to transport transportation-disadvantaged passengers in round-trip charter operations from points in Montgomery County, MD, to points in the Metropolitan District, and return, restricted to transportation in vehicles having a manufacturer's designed seating capacity of 15 passengers or less, including the driver.

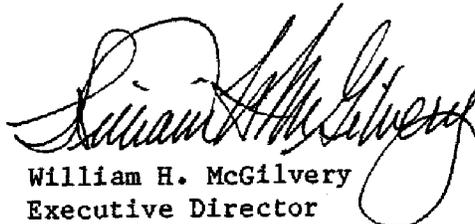
2. That Winter Growth, Inc., is hereby directed, no later than 30 days from the service date of this order to (a) identify its vehicles in accordance with Commission Regulation No. 67-03; (b) file an affidavit of compliance with Commission Regulation No. 67-03; (c) file three copies of its WMATC Temporary Tariff No. AP-90-36; (d) 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) file evidence of ownership or lease(s), as appropriate, for all vehicles to be used in revenue operations; and (f) 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 Winter Growth, 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 April 2, 1991, unless otherwise ordered by the Commission.

5. That unless Winter Growth, Inc., complies with the requirements of this order within 30 days from date of issuance or 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