

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 3779

IN THE MATTER OF:

Served June 20, 1991

Application of RDM ENTERPRISES,)
INC., for a Certificate of)
Authority -- Irregular Route)
Operations)

Case No. AP-91-18

Application for Approval of Common)
Control Relationship -- RDM)
ENTERPRISES, INC., and MURRAY'S)
TRANSPORTATION SERVICE, INC.)

Case No. AP-91-19

By application filed June 11, 1991, in Case No. AP-91-18, RDM Enterprises, Inc. (RDM), a District of Columbia corporation, seeks a Certificate of Authority to transport passengers, together with mail, express, and baggage in the same vehicles with passengers, in irregular route operations between points in the Metropolitan District, restricted to vehicles with a manufacturer's designed seating capacity of 15 persons or fewer, including the driver.

The stock of RDM is owned by Ms. Rosetta D. Murray, RDM's president. Ms. Murray also owns a controlling interest in Murray's Transportation Service, Inc. (Murray's), the holder of Certificate of Authority No. 63 which authorizes the transportation of passengers in irregular route operations between points in the Metropolitan District, unrestricted as to vehicle seating capacity. In Case No. AP-91-19, RDM and Murray's seek approval of this common control relationship.

RDM provided an equipment list showing 18 vehicles to be used in the proposed service. RDM also provided copies of 18 District of Columbia registration certificates showing that the vehicles are owned by Murray's. Further, these vehicles are currently operated by Murray's pursuant to its Certificate of Authority No. 63. RDM would lease these vehicles from Murray's. It is the apparent intent of management that RDM will operate only vehicles seating 15 persons or fewer, including the driver; and Murray's will operate vehicles seating 16 persons or more, including the driver. It is noted that the Commission's insurance regulations require minimum liability coverage of \$1.5 million for carriers exclusively operating the smaller class of vehicles and \$5 million for carriers operating any vehicle in the larger category.

Ms. Murray currently controls office and parking facilities in the District of Columbia at 2001 - 16th Street, N.E., and at 3031 - 8th Street, N.E. It is not clear whether RDM would use one facility and Murray's the other, or whether both companies would use both facilities.

The application of RDM also contains three notarized statements of supporting witnesses, information regarding RDM's corporate status, facilities, vehicle maintenance program, minimum driver qualifications, finances, and regulatory compliance record.

In determining whether to grant or deny an application for a Certificate of Authority, the Compact at Title II, Article XI, Section 7 requires that the Commission determine whether an applicant is fit, willing, and able to perform that transportation properly and conform to the provisions of the Compact and the Commission's rules, regulations, and requirements and that the transportation is consistent with the public interest. The standard for approval of common control pursuant to the Compact, Title II, Article XII, Section 3, is consistency with the public interest. Pursuant to Commission Rule No. 6, this order and fulfillment of its requirements will provide notice of the application for a Certificate of Authority and for approval of common control. The application is available for inspection at the office of the Commission during its regular business hours.

THEREFORE, IT IS ORDERED:

1. That RDM Enterprises, Inc., and Murray's Transportation Service, Inc., shall jointly publish notice once in a newspaper of general circulation in the Metropolitan District in the form prescribed by the staff of the Commission, no later than Saturday, June 29, 1991.

2. That RDM Enterprises, Inc., and Murray's Transportation Service, Inc., shall jointly post continuously and conspicuously in each of the vehicles operated by Murray's Transportation Service, Inc., notice in the form prescribed by the staff of the Commission, such notice to be posted no later than Saturday, June 29, 1991, and to remain posted through Friday, July 26, 1991.

3. That RDM Enterprises, Inc., and Murray's Transportation Service, Inc., shall jointly file with the Commission, no later than Monday, July 29, 1991, an original and four copies of affidavit(s) that notice has been published and posted as required in the preceding paragraphs.

4. That any person wanting to protest the issuance of a Certificate of Authority and/or approval of common control shall do so in accordance with Commission Rule No. 13 and Regulation No. 54-04(a), and any person wanting to comment on these matters, other than by protest, shall do so in writing, in accordance with Regulation No. 54-04(a), no later than Friday, July 26, 1991, and shall simultaneously serve a copy of such protest or comment on applicant's attorney, Vernon A. Williams, Esquire, 2041 M. L. King Jr. Avenue, S.E., Suite 301, Washington, DC 20020.

5. That any person seeking oral hearing on this matter shall request one in accordance with Commission Regulation No. 54-04(b) no later than Friday, July 26, 1991, and shall simultaneously serve a copy of such request on applicant's attorney, Vernon A. Williams, Esquire, 2041 M. L. King Jr. Avenue, S.E., Suite 301, Washington, DC 20020.

FOR THE COMMISSION:


William H. McGilvery
Executive Director