

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 3799

IN THE MATTER OF:

Served August 6, 1991

Application of VERNROY FRANKLIN to )  
Transfer Certificate of Authority )  
No. 6 to FRANKLIN CHARTER BUS, INC.)

Case No. AP-91-15

By application filed March 28, 1991, Vernoy Franklin (Mr. Franklin or transferor), a sole proprietor, seeks to transfer Certificate of Authority No. 6 to Franklin Charter Bus, Inc. (FCB or transferee).

By Order No. 3769, served May 30, 1991, notice of this application was given, and the parties were directed to publish notice in a newspaper and post notice in their vehicles. Affidavits of posting and publication were timely filed, and no protests or comments were received. No person has requested a hearing on this matter, and the application is now ripe for decision.

Transferee is a Virginia corporation owned in equal parts by Vernoy Franklin and Anna Belle Franklin, who are also directors of the corporation, along with Jerry A. Franklin. Transferee holds nationwide charter and special operations authority from the Interstate Commerce Commission and statewide authority from the Virginia State Corporation Commission. It is asserted that approval of this transfer application will place all operations in single entity, consolidating certain reporting requirements and permitting more efficient operation. Transferee has a satisfactory safety rating from the United States Department of Transportation.

Transferee filed an equipment list showing 16 buses, most seating 47 passengers each. The application describes FCB's maintenance program, garage and shop facilities, and driver requirements and responsibilities.

FCB's balance sheet as of January 31, 1991, shows current assets of \$641,027, and fixed assets of \$1,326,078 after depreciation, for total assets of \$1,967,105. Liabilities are shown as \$865,997 and the equity accounts total \$1,101,108. Total income for the seven months ended January 31, 1991, was \$811,111, and revenue deductions totaled \$687,394, resulting in net income of \$123,717, or 15.3 percent of gross income. For the first 12 months after the transfer FCB projects an increase of \$60,000 in gross revenues with an increase of at least \$9,000 in net income. It is the intention of the parties that FCB will issue an interest bearing demand note to Mr. Franklin in the amount of \$60,000, in connection with the transfer transaction.

FCB's proposed tariff shows charter rates of \$200 for the first three hours, plus \$40 an hour thereafter for 46- to 49-passenger vehicles, and \$150 for the first three hours, plus \$35 an hour thereafter for 39- to 41-passenger vehicles.

The standard for approval of this transfer transaction is consistency with the public interest. See Compact, Title II, Article XII, Section 3. The Commission finds the transaction to be a technical consolidation of operations into FCB. Management and operating facilities will undergo no changes. There will be no effect on the competitive balance of the transportation industry in the Metropolitan District. FCB appears to be financially healthy, and the compensation to Mr. Franklin from FCB does not appear to be unreasonable. For these reasons and upon consideration of the record in this case, this transfer application will be granted.

THEREFORE, IT IS ORDERED:

1. That the transfer application in Case No. AP-91-15 is hereby conditionally granted, contingent upon timely compliance with the requirements of this order.

2 That Franklin Charter Bus, Inc., is hereby directed, within 30 days of the date of this order or such additional time as the Commission may direct or allow, to file (a) evidence of insurance pursuant to Commission Regulation No. 58 and Order No. 3623; (b) three copies of its tariff(s), in accordance with Commission Regulation No. 55; and (c) an affidavit of identification of vehicles pursuant to Commission Regulation No. 61, for which purpose WMATC No. 6 is assigned.

3. That upon timely compliance with the requirements of the preceding paragraph and acceptance of the materials required by the Commission, Certificate of Authority No. 6 shall be reissued to Franklin Charter Bus, Inc., as appended to this order.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS SCHIFTER AND SHANNON:

  
William H. McGilvery  
Executive Director

**WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION**

**CERTIFICATE OF AUTHORITY**

**NO. 6**

**Franklin Charter Bus, Inc.  
4115 Dorforth Drive  
Fairfax, Virginia 22033**

*By Order Nos. 213, 1740, 3718, and 3799 of the Washington Metropolitan Area Transit Commission issued November 1, 1962; August 31, 1977; May 2, 1991; and August 6, 1991;*

*WHEREAS, the above-named carrier is entitled to receive authority to transport passengers within the Washington Metropolitan Area Transit District;*

*THIS CERTIFICATE OF AUTHORITY is hereby issued to the named carrier as evidence of the authority to engage in the for-hire transportation of passengers 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 granted to the named carrier:*

*IRREGULAR ROUTES, transporting passengers, together with mail, express, and baggage in the same vehicles as passengers, between points in the Washington Metropolitan Area Transit District;*

*RESTRICTED TO (1) operations conducted according to the named carrier's applicable tariff on file with the Commission; and*

*RESTRICTED AGAINST (1) transportation solely within the Commonwealth of Virginia and (2) any passenger transportation for hire on an individual fare paying basis in competition with any existing, scheduled, regular-route, passenger transportation service performed by, or under a contract with, the Federal Government, a signatory to the Compact, a political subdivision of a signatory, or the Washington Metropolitan Area Transit Authority.*

*THIS CERTIFICATE OF AUTHORITY DOES NOT AUTHORIZE ANY TRANSPORTATION BY ANY PERSON OTHER THAN THE CARRIER NAMED HEREON.*

*THIS CERTIFICATE OF AUTHORITY IS NOT VALID UNLESS THE CARRIER NAMED HEREON IS IN COMPLIANCE WITH THE INSURANCE REQUIREMENTS OF THE COMMISSION.*

*IT IS A FURTHER CONDITION of this certificate of authority that the carrier named hereon shall (a) provide safe and adequate transportation service, equipment, and facilities and (b) observe and enforce Commission regulations.*

