

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 4098

IN THE MATTER OF:

Served May 10, 1993

Application of D. JENKINS BUS)
SERVICE INC. for a Certificate of)
Authority -- Irregular Route)
Operations)

Case No. AP-93-11

By application filed March 24, 1993, D. Jenkins Bus Service Inc. (Jenkins or applicant), a District of Columbia corporation, seeks a certificate of authority to transport passengers, together with baggage in the same vehicles as passengers, in irregular route operations between points in the Metropolitan District, restricted to transportation in vehicles with a manufacturer's designed seating capacity of 15 or fewer persons, including the driver.

Notice of this application was served on March 29, 1993, in Order No. 4075, and Jenkins was directed to publish further notice in a newspaper and file an affidavit of publication. Jenkins complied. The application is unopposed.

SUMMARY OF EVIDENCE

Jenkins' application includes information regarding, among other things, its corporate status, equipment, facilities, safety fitness, proposed tariff, finances, and regulatory compliance record. Jenkins' proposed tariff contains individual fares and group charter rates.

Jenkins is under common ownership and control with Jenkins Transportation Service, Inc. (JTS). JTS provides service to Medicaid passengers under Certificate of Authority No. 44. JTS's Medicaid operations will be transferred to Jenkins. All of JTS's vehicles seating 15 persons or less will be leased to Jenkins. JTS will operate vehicles seating 16 persons or more. Jenkins and JTS will be operated independently but plan to share office space and parking facilities.

Jenkins' president certifies on its behalf that applicant has access to, is familiar with, and will comply with the Compact, the Commission's rules and regulations, and United States Department of Transportation regulations relating to transportation of passengers for hire.

Applicant filed a balance sheet as of February 28, 1993, showing assets of \$20,540; liabilities of \$4,540; and equity of \$16,000. Applicant's projected operating statement for the twelve-month period ended June 30, 1994, shows operating income of \$249,750; direct costs of \$175,823; general and administrative costs of \$61,200; and net income of \$12,727.

DISCUSSION AND CONCLUSION

This case is governed by the Compact, Title II, Article XI, Section 7(a), which provides in relevant part that:

. . . the Commission shall issue a certificate to any qualified applicant . . . if it finds that --

(i) the applicant is fit, willing, and able to perform [the] transportation properly, conform to the provisions of this Act, and conform to the rules, regulations, and requirements of the Commission; and

(ii) that the transportation is consistent with the public interest.

This case also is governed by Title II, Article XII, Section 3(a)(iii), which provides that "any person controlling . . . a carrier shall obtain Commission approval to acquire control of another carrier that operates in the Metropolitan District . . ." Section 3(c) provides that the Commission shall authorize the transaction if it finds that acquisition of control is in the public interest.

Based on the evidence in this record, the Commission finds Jenkins to be fit, willing, and able to perform the proposed transportation properly and to conform with applicable regulatory requirements. The Commission also finds that the proposed transportation is consistent with the public interest. Finally, the Commission finds that the potential for savings in insurance premiums resulting from the corporate separation of 15-and-under vehicles from 16-and-under vehicles satisfies the public interest standard for approving common control.¹

Each carrier is admonished to keep its assets, books and operations completely separate from the other's.² Sharing of office space and parking facilities will be allowed, but this should not be construed as permission to share revenue vehicles or operating authority.³ Any and all leases from JTS to Jenkins shall be exclusive and permit no subleasing by Jenkins.⁴ It is recommended that the parties use the Commission's pre-approved contract of lease. JTS will be ordered to file a new tariff for the service it proposes to offer upon issuance of a certificate of authority to Jenkins.

THEREFORE, IT IS ORDERED:

1. That D. Jenkins Bus Service Inc., 1800 Montana Avenue, N.E., Washington, DC 20018, is hereby conditionally granted, contingent upon timely compliance with the requirements of this order, authority

¹ In re RDM Enters., Inc., No. AP-91-18, Order No. 3801 (Aug. 6, 1991).

² Id.

³ In re Air Couriers Int'l Ground Transp. Serv., Inc., t/a Passenger Express & United Mgmt. Corp., t/a Passenger Express, No. MP-92-05, Order No. 3904 at 4 (Mar. 17, 1992).

⁴ Commission Regulation No. 62-02.

to transport passengers, together with baggage in the same vehicles as passengers, in irregular route operations between points in the Metropolitan District, restricted to transportation in vehicles with a manufacturer's designed seating capacity of 15 or fewer persons, including the driver.

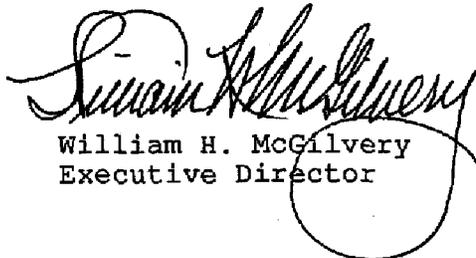
2. That D. Jenkins Bus Service Inc. is hereby directed to file the following documents with the Commission: (a) evidence of insurance pursuant to Commission Regulation No. 58 and Order No. 3623; (b) four copies of a tariff or tariffs in accordance with Commission Regulation No. 55; (c) an equipment list stating the year, make, model, serial number, vehicle number, license plate number (with jurisdiction) and seating capacity of each vehicle to be used in revenue operations; (d) evidence of ownership or a lease as required by Commission Regulation No. 62 for each vehicle to be used in revenue operations; (e) proof of current safety inspection of said vehicle(s) by or on behalf of the United States Department of Transportation, the State of Maryland, the District of Columbia, or the Commonwealth of Virginia; and (f) a notarized affidavit of identification of vehicles pursuant to Commission Regulation No. 61, for which purpose WMATC No. 226 is hereby assigned.

3. That upon timely compliance with the requirements of the preceding paragraph and acceptance of the documents required by the Commission, Certificate of Authority No. 226 shall be issued to D. Jenkins Bus Service Inc.

4. That within 10 days following the issuance of a certificate of authority to D. Jenkins Bus Service Inc., Jenkins Transportation Service, Inc., shall file a new tariff consistent with the terms of this order.

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

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


William H. McGilvery
Executive Director