

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 4172

IN THE MATTER OF:

Served September 23, 1993

Investigation of Unauthorized
Operations of MUSTANG TOURS, INC.)

Case No. MP-93-42)

On June 23, 1992, the Commission returned a certificate of insurance to the Baldwin Sadler Corporation in Audobon, PA. The certificate named Mustang Tours, Inc. (Mustang), as the insured. We advised Baldwin Sadler by accompanying letter that Mustang did not hold any operating authority from this Commission. A copy of the letter was sent to Mustang.

Thereafter, Mustang requested review of a draft application for WMATC operating authority. Staff reviewed the application and provided Mustang with a written notation of errors and omissions. A corrected application was never resubmitted.

On February 1, 1993, staff sent a certified letter to Mustang reaffirming Mustang's need for WMATC operating authority for any transportation it might perform in the Washington Metropolitan Area Transit District. The return receipt shows that Mustang received the letter.

On June 8, 1993, the Commission returned a second Mustang certificate of insurance, this time to TRM International, Inc. We advised TRM by accompanying letter that Mustang did not hold any operating authority from this Commission. A copy of the letter was sent to Mustang.

On September 1, 1993, the Commission received evidence that, without WMATC operating authority and despite the many warnings from this Commission, Mustang transported a large tour group on August 17, 1993, from National Airport to the Washington Marriott Hotel in Washington, DC, for the account of Japan Travelers Service, Inc., Carrier No. 74. On September 2, 1993, staff advised Mustang by certified letter to cease and desist its unlawful operations within our jurisdiction. The return receipt shows that Mustang received that letter.

Staff subsequently acquired Mustang's tariff and vehicle list on file with the Maryland Public Service Commission. The tariff contains hourly rates for service between points within a twenty-five mile radius of DC. The tariff also contains specific flat rates for service between points within that radius, on the one hand, and Washington National Airport and Washington-Dulles International Airport, on the other. According to Mustang's vehicle list, such service is provided in a 47-passenger coach. This service falls clearly within our jurisdiction.

Pursuant to the Compact, Title II, Article XIII, Section 1, the Commission hereby institutes an investigation into the operations of Mustang Tours, Inc., within the Washington Metropolitan Area Transit District. Mustang will be named a party respondent and directed to produce copies of its vehicle manifests and customer invoices for transportation performed during the period beginning July 1, 1992, and ending on the date this order is issued. Mustang also will be directed to show cause why a civil forfeiture should not be assessed for knowing and willful violations of the Compact and regulations thereunder. Finally, Mustang will be directed to cease and desist from transporting passengers for hire between points in the Metropolitan District unless and until otherwise ordered by this Commission.

THEREFORE, IT IS ORDERED:

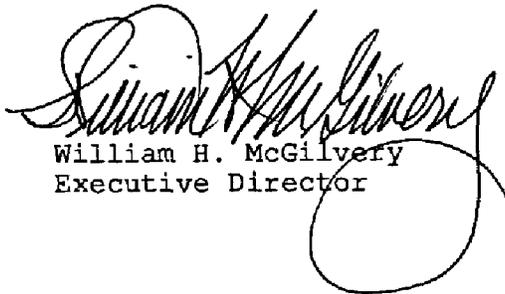
1. That an investigation is hereby instituted into the operations of Mustang Tours, Inc., within the Washington Metropolitan Area Transit District, and Mustang Tours, Inc., is hereby named a party respondent.

2. That Mustang Tours, Inc., shall file with the Commission, no later than Friday, October 15, 1993, copies of its vehicle manifests and customer invoices for transportation performed during the period beginning July 1, 1992, and ending on the date this order is issued.

3. That Mustang Tours, Inc., shall, no later than Friday, October 15, 1993, show cause why a civil forfeiture should not be assessed for knowing and willful violations of the Compact and regulations thereunder.

4. That Mustang Tours, Inc., shall cease and desist from transporting passengers for hire between points in the Metropolitan District unless and until otherwise ordered by this Commission.

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


William H. McGilvery
Executive Director