

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 4282

IN THE MATTER OF:

Served April 22, 1994

Application of CAVALIER )  
TRANSPORTATION CO., INC., Trading )  
as TOURTIME AMERICA, LTD., for a )  
Certificate of Authority -- )  
Irregular Route Operations )

Case No. AP-94-05

By application accepted for filing March 2, 1994, Cavalier Transportation Co., Inc., trading as Tourtime America, Ltd., (Tourtime or applicant), a Virginia 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.

Notice of this application was served on March 4, 1994, in Order No. 4251, and applicant was directed to publish further notice in a newspaper and file an affidavit of publication. Applicant complied. The application is unopposed.

SUMMARY OF EVIDENCE

The application includes information regarding, among other things, applicant's corporate status, facilities, proposed tariff, finances, and regulatory compliance record.

Applicant proposes commencing operations with 45 motor coaches, with seating capacities of 34-47 passengers. Applicant's proposed tariff contains hourly rates and mileage rates for charter service, with minimum charges.

Applicant filed a balance sheet as of November 30, 1993, showing current assets of \$1,132,643; net property and equipment of \$4,572,798; other assets of \$39,013; current liabilities of \$554,025; long-term liabilities of \$1,617,269; and equity of \$3,573,160. Applicant's statement of operations and retained deficit for the year ended December 31, 1993, shows net revenue from operations of \$3,390,652; other income of \$483,530; cost of services of \$2,410,730; other expenses of \$1,511,466; and a net loss of \$48,014. Applicant's projected statement of operations for 1994 shows net WMATC operating revenue of \$200,000; net other operating revenue of \$3,541,250; other income of \$464,000; cost of services of \$2,554,744; other expenses of \$1,619,194; and a net loss of \$31,312.

Applicant certifies it 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 further certifies

that neither applicant nor any person controlling, controlled by, or under common control with applicant has any control relationship with a carrier other than applicant.

#### 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.

Based on the evidence in this record, the Commission finds applicant to be fit, willing, and able to perform the proposed transportation properly and to conform with applicable regulatory requirements. The Commission further finds that the proposed transportation is consistent with the public interest.

THEREFORE, IT IS ORDERED:

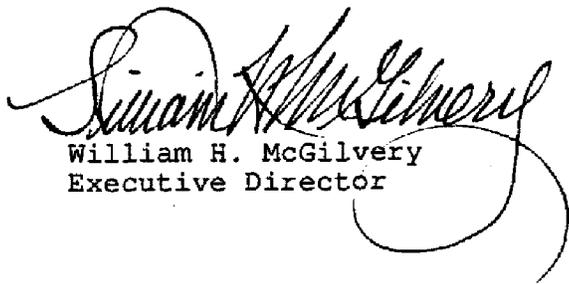
1. That Cavalier Transportation Co., Inc., trading as Tourtime America, Ltd., Route 6, Box 1250, Ashland, VA 23005, is hereby conditionally granted, contingent upon timely compliance with the requirements of this order, authority to transport passengers, together with baggage in the same vehicles as passengers, in irregular route operations between points in the Metropolitan District.

2. That applicant is hereby directed to file the following documents with the Commission: (a) evidence of insurance pursuant to Commission Regulation No. 58 and Order No. 4203; (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. 250 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. 250 shall be issued to applicant.

4. That unless applicant 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:

A handwritten signature in cursive script, appearing to read "William H. McGilvery". The signature is written in black ink and is positioned above the typed name and title.

William H. McGilvery  
Executive Director