

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 4783

IN THE MATTER OF:

Served March 7, 1996

Application of JENKINS)
TRANSPORTATION SERVICE, INC.,)
for Restrictive Amendment of)
Certificate No. 44)

Case No. AP-96-07

JENKINS TRANSPORTATION SERVICE,)
INC., Suspension and)
Investigation of Revocation of)
Certificate No. 44)

Case No. MP-96-05

By application filed February 20, 1996, Jenkins Transportation Service, Inc. (JTS), seeks to amend Certificate of Authority No. 44, which authorizes transportation of passengers, together with baggage in the same vehicles as passengers, in irregular route operations between points in the Metropolitan District, regardless of vehicle size. Applicant proposes adding a vehicle seating capacity restriction so that Certificate No. 44 would authorize transportation in vehicles with a seating capacity of less than 16 persons only, including the driver. Apparently, applicant no longer has any customers requiring service in vehicles seating more than 15 persons or finds providing such service economically unfeasible.

Title II of the Compact, Article XI, Section 10(b), provides that the Commission may amend a certificate of authority upon application by the holder. Certificate No. 44 currently is suspended for applicant's failure to maintain on file with the Commission a \$5 million certificate of insurance in accordance with Commission Regulation No. 58.¹ Adding the seating capacity restriction would lower applicant's minimum insurance requirement from \$5 million to \$1.5 million. We will approve the application subject to the condition that applicant file a certificate of insurance for \$1.5 million.

We will further condition approval on the termination of Certificate of Authority No. 226, a certificate restricted as to vehicle seating capacity and held by D. Jenkins Bus Service, Inc. (DJBS), a carrier under common control with applicant. The Commission approved common control of these two carriers under Article XII,

¹ In re Jenkins Transp. Serv., Inc., No. MP-96-05, Order No. 4733 (Jan. 11, 1996).

Section 3, of the Compact in May, 1993.² That approval was predicated on the Commission's understanding that JTS's operations in vehicles seating less than 16 persons would be transferred to DJBS. By transferring the small vehicles to DJBS, JTS would no longer have to insure them for \$5 million. DJBS would insure them for \$1.5 million. The resulting insurance savings was considered sufficient grounds for approving common control.³ Those grounds disappear once Certificate No. 44 is amended. Consequently, applicant will be directed to surrender Certificate No. 226, which shall stand terminated upon reissuance of Certificate No. 44.

THEREFORE, IT IS ORDERED:

1. That this proceeding is hereby consolidated with Case No. MP-96-05.

2. That the application of Jenkins Transportation Service, Inc., to amend Certificate of Authority No. 44, by adding a 15-passenger restriction, is hereby conditionally approved, contingent upon timely compliance with the requirements of this order.

3. 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) an original and 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; (f) a notarized affidavit of identification of vehicles pursuant to Commission Regulation No. 61; and (g) Certificate of Authority No. 226.

4. That upon timely compliance with the requirements of the preceding paragraph and acceptance of the documents required by the Commission, Certificate of Authority No. 44, shall be reissued to applicant, and Certificate of Authority No. 226 and Case No. MP-96-05 shall stand terminated.

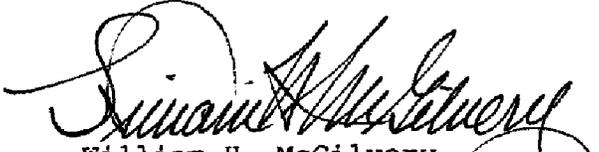
5. That applicant may not transport passengers for hire between points in the Metropolitan District pursuant to this order unless and until Certificate of Authority No. 44 has been reissued in accordance with the preceding paragraph.

² In re D. Jenkins Bus Serv., Inc., No. AP-93-11, Order No. 4098 (May 10, 1993).

³ Id.

6. 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 approval of amendment 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 ALEXANDER AND LIGON:



William H. McGilvery
Executive Director