

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 5087

IN THE MATTER OF:

Served May 15, 1997

Application to Transfer)
Certificate No. 307 from ROBERT)
E. GRAHAM, Trading as GRAHAM'S)
TRANSPORTATION SERVICE, to)
GRAHAM'S TRANSPORTATION SERVICE,)
INC.)

Case No. AP-97-16

By application accepted for filing March 24, 1997, Robert E. Graham, trading as Graham's Transportation Service (Graham or transferor), WMATC Carrier No. 307, and Graham's Transportation Service, Inc. (GTS or transferee), a Maryland corporation, (collectively applicants), seek Commission approval to transfer Certificate of Authority No. 307 from Graham to GTS. Graham is the sole shareholder of GTS. The application is unopposed.

Article XI, Section 11(a), of the Compact governs the transfer of assets, including a certificate of authority, by an unincorporated WMATC carrier in exchange for a controlling interest in a newly formed corporation.¹ A transfer of this nature raises fitness issues only.²

Transferee proposes to refile transferor's current tariff as its own and commence operations with one van.

Transferee filed a balance sheet as of February 28, 1997, showing assets of \$56,660; liabilities of \$2,100; and equity of \$54,560. Transferee's projected operating statement for the twelve months ending December 31, 1997, shows WMATC operating income of \$128,812; expenses of \$114,958; and net income of \$13,854.

Transferee 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.

Based on the evidence in this record, the Commission finds transferee to be fit, willing, and able to perform the proposed transportation properly and to conform with applicable regulatory requirements and, therefore, that the transfer of assets, including Certificate No. 307, to GTS is consistent with the public interest.

¹ In re Girma Belay, t/a Quality Transport, & Quality Transport, Inc., No. AP-97-02, Order No. 4994 (Jan. 7, 1997); In re Mildred Davis Roopnaraine, t/a MDR Transporting Serv., & MDR Transporting Serv., Inc., No. AP-95-28, Order No. 4623 (June 27, 1995).

² Id.

THEREFORE, IT IS ORDERED:

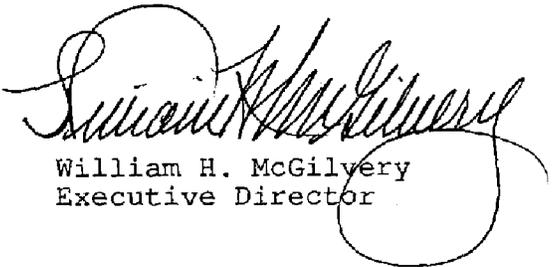
1. That upon transferee's timely compliance with the requirements of this order, Certificate of Authority No. 307 shall be reissued to Graham's Transportation Service, Inc., 923 Hill Road, Landover, MD 20785-4336.

2. That transferee may not transport passengers for hire between points in the Metropolitan District pursuant to this order unless and until Certificate of Authority No. 307 has been reissued in accordance with the preceding paragraph.

3. That transferee is hereby directed to file the following documents within thirty days: (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; and (f) a notarized affidavit of identification of vehicles pursuant to Commission Regulation No. 61.

4. That the approval of transfer herein shall be void and the application shall stand denied upon transferee's failure to timely satisfy the conditions of reissuance prescribed herein.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS ALEXANDER, LIGON, AND MILLER:



William H. McGilvery
Executive Director