

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 13,256

IN THE MATTER OF:

Served May 9, 2012

Application of ATLANTIC COAST)
CHARTERS, INC., for a Certificate) Case No. AP-2012-048
of Authority -- Irregular Route)
Operations)

Applicant seeks a certificate of authority to transport passengers in irregular route operations between points in the Metropolitan District. The application is unopposed.

Applicant was conditionally granted operating authority last year in the name of S & L Enterprises, Inc., trading as Atlantic Coast Charters. The issuance of a certificate of authority was expressly made contingent on applicant filing additional documents and passing a vehicle inspection conducted by Commission staff.¹ Applicant failed to satisfy the conditions for issuance of operating authority within the time allotted, thereby voiding the Commission's approval.² Applicant subsequently changed its legal name from S & L Enterprises, Inc., to Atlantic Charters, Inc.

The Compact, Title II, Article XI, Section 7(a), authorizes the Commission to issue a certificate of authority if it finds that the proposed transportation is consistent with the public interest and that the applicant is fit, willing, and able to perform the proposed transportation properly, conform to the provisions of the Compact, and conform to the rules, regulations, and requirements of the Commission.

Applicant proposes commencing operations with eight motorcoaches. Applicant proposes operating under a tariff containing charter rates, rates for mileage and/or hourly priced transportation, and rates for transportation under contracts with government agencies.

Applicant verifies that: (1) applicant owns or leases, or has the means to acquire through ownership or lease, one or more motor vehicles meeting the Commission's safety requirements and suitable for the transportation proposed in this application; (2) applicant owns,

¹ See *In re S & L Enters., Inc., t/a Atlantic Coast Charters*, No. AP-11-018, Order No. 12,742 (Feb. 24, 2011) (conditionally granting Certificate No. 1793).

² See *id.* (grant of authority void upon applicant's failure to timely satisfy conditions of issuance); Commission Regulation No. 66 (failure to comply with conditions of grant within 180 days voids approval).

or has the means to acquire, a motor vehicle liability insurance policy that provides the minimum amount of coverage required by Commission regulations; and (3) applicant has access to, is familiar with and will comply with the Compact, the Commission's rules, regulations and orders, and Federal Motor Carrier Safety Regulations as they pertain to transportation of passengers for hire.

Based on the evidence in this record, the Commission finds that the proposed transportation is consistent with the public interest and that applicant is fit, willing, and able to perform the proposed transportation properly, conform to the provisions of the Compact, and conform to the rules, regulations, and requirements of the Commission.

In closing, the Commission notes that applicant has a control relationship with Shore Motor Coach, L.L.C., (Shore), which has applied for a WMATC certificate of authority in Case No. AP-2011-049.³ Ronald Chaney Dillon, Sr., and his son, Ronald Chaney Dillon, Jr., applicant's president, each own 50% of applicant. Ron Dillon, Sr., is Shore's president and owns 100% of Shore.

Applicant also has a control relationship with Dillon's Bus Service, Inc., WMATC Carrier No. 529. Ron Dillon, Sr., is a manager at Dillon's, and Ron Dillon, Jr., serves on Dillon's board of directors.⁴

Applicant is admonished to keep its assets, books, finances and operations completely separate from those of Shore and Dillon's. This decision should not be construed as permission to share revenue vehicles or operating authority.⁵

THEREFORE, IT IS ORDERED:

1. That upon applicant's timely compliance with the requirements of this order, Certificate of Authority No. 1793 shall be issued to Atlantic Coast Charters, Inc., 1344 W. Nursery Road, #C, Linthicum, MD 21090-1104.

2. That applicant may not transport passengers for hire between points in the Metropolitan District pursuant to this order unless and until a certificate of authority has been issued in accordance with the preceding paragraph.

³ In the absence of any evidence indicating applicant was operating in the Metropolitan District as of the date this application was filed, this application is not subject to common control analysis under Article XII, Section 3, of the Compact. *In re Metrortide LLC*, No. AP-09-099, Order No. 12,230 (Nov. 18, 2009).

⁴ See *In re A&J Airport Transp. Inc.*, No. AP-11-012, Order No. 12,719 (Feb. 8, 2011) (presumptive control relationship between applicant controlled by father and applicant controlled by daughter).

⁵ Order No. 12,230.

3. That applicant is hereby directed to present its revenue vehicle(s) for inspection and file the following documents within the 180-day maximum permitted in Commission Regulation No. 66: (a) evidence of insurance pursuant to Commission Regulation No. 58; (b) an original and four copies of a tariff or tariffs in accordance with Commission Regulation No. 55; (c) a vehicle list stating the year, make, model, serial number, fleet number, license plate number (with jurisdiction) and seating capacity of each vehicle to be used in revenue operations; (d) a copy of the for-hire vehicle registration card, and a lease as required by Commission Regulation No. 62 if applicant is not the registered owner, for each vehicle to be used in revenue operations; and (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.

4. That the grant of authority herein shall be void and the application shall stand denied upon applicant's failure to timely satisfy the conditions of issuance prescribed herein.

FOR THE COMMISSION

A handwritten signature in black ink, appearing to read 'W. S. Morrow, Jr.', written in a cursive style.

William S. Morrow, Jr.
Executive Director