

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 2463

IN THE MATTER OF:

Served September 8, 1983

Application of SHAW BUS SERVICE,)
INC., for Special Authorization to)
Perform Charter Operations Pursuant)
to Contract with The Close Up)
Foundation)

Case No. CP-83-12

By application filed September 6, 1983, Shaw Bus Service, Inc., seeks authorization to conduct charter operations pursuant to WMATC Special Certificate of Public Convenience and Necessity No. 1 under a contract with The Close-Up Foundation transporting those high school students and their teachers participating in educational tour programs arranged for and conducted by Close Up Foundation, over irregular routes, between points in the Metropolitan District. 1/

The contract between Shaw and Close Up requires that six 46-passenger buses be provided between November 6, 1983, and July 31, 1984. The following rate schedule would apply:

One-Way Transfers Generally	\$102.00
Transfers Between:	
WNA and D.C. or Virginia Hotels	102.00
WNA and Maryland Hotels	102.00
Dulles and Specified Hotels	125.00
BWI and Specified Hotels	102.00
Amtrak Station-Alexandria and Specified Hotels	102.00
Union Station and Specified Hotels	102.00
Non-Lectured Hourly Service (per hour)	28.00 <u>2/</u>

1/ Baltimore-Washington International Airport is beyond the Metropolitan District. Transportation solely within the Commonwealth of Virginia is not within this Commission's jurisdiction. Neither shall not be considered a part of this application.

2/ Four-hour minimum.

The contract also contains a fuel-cost increase clause, but any new rates resulting therefrom would, of course, be subject to Commission approval. Similarly, the use of leased equipment requires not only the approval of Close Up but approval of this Commission under Regulation No. 69.

Shaw operates six motor coaches capable of meeting Close Up's transportation requirements. A suitable certificate of insurance is on file with the Commission. Applicant has extensive passenger motor carrier experience and states that the proposed service entails no operational feasibility problems. What is not explained, however, is how Shaw will dedicate its six buses to Close Up and still provide the service for which temporary authority was authorized in Case No. AP-83-45. The carrier's operating officer is familiar with the terms of the Compact and Commission rules and regulations thereunder, and will comply therewith. Applicant has not been found unfit by any state or federal regulatory agency.

The carrier's balance sheet, dated June 30, 1983, shows current assets of \$217,955, fixed assets (less depreciation) of \$278,361, current liabilities of \$72,072, long-term liabilities of \$102,953 and equity of \$321,293. Its income statement for the year ended June 30, 1983, shows service revenue of \$1,198,356, operating expenses of \$1,178,435 and net income from operations (before provision for income taxes) of \$19,921.

Close Up's director of operations states that the Foundation is a non-profit educational entity which operates a multi-partisan government studies program in and around Washington, D. C., for high school students and their teachers. Close Up has been approved by the National Association of Secondary School Principals and various state and local education departments.

For its 1983-84 program, Close Up expects to bring over 17,000 students and teachers to Washington for 21 one-week programs. Total transportation requirements will involve as many as 30 buses a day. Close Up has investigated the qualifications of Shaw to handle a portion of its transportation requirements and is satisfied with applicant's ability properly to perform the proposed services.

Inasmuch as there is a contract for the transportation of students by a school for a period in excess of 181 days, this application appears to be amenable to processing under Commission Regulation No. 70. See Order No. 2004, served June 20, 1979, and effective July 21, 1979. Pursuant to Commission Regulation No. 70-06, notice of this application must be published and opportunity given for the filing of protests. Protests, if any, must be written, sworn and notarized, and must contain all evidence and argument upon which the protestant would rely.

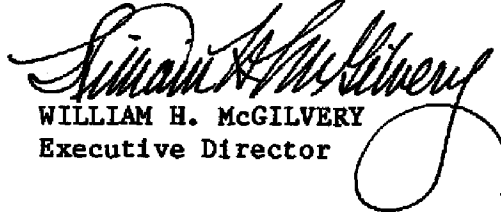
THEREFORE, IT IS ORDERED:

1. That Shaw Bus Service, Inc., publish once, in a newspaper of general circulation in the Metropolitan District, notice of this application in the form prescribed by the staff of the Commission no later than Wednesday, September 14, 1983.

2. That applicant shall file an affidavit of such publication, and an original and four copies of an affidavit explaining how it will dedicate six buses to Close Up Foundation and still provide service for which temporary authority was granted in Case No. AP-83-45, with the Commission no later than Wednesday, September 21, 1983.

3. That any person desiring to protest this application shall file a notarized protest in conformance with Commission Regulation No. 70-06 at the office of the Commission, Suite 316, 1625 I Street, N. W., Washington, D. C. 20006, no later than Monday, September 26, 1983, and shall simultaneously serve a copy of such protest on counsel for applicant, Steven L. Weiman, Esquire, Suite 200, 444 N. Frederick Avenue, Gaithersburg, Md. 20877.

FOR THE COMMISSION:


WILLIAM H. MCGILVERY
Executive Director