

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 3345

IN THE MATTER OF:

Served May 31, 1989

Application of GREYHOUND LINES,)
INC., for Temporary Authority to)
Conduct Charter Operations Pursuant)
to Contract with Corridor)
Transportation Corporation)

Case No. AP-89-24

By application filed May 8, 1989, Greyhound Lines, Inc. (GLI or applicant), seeks temporary authority to transport passengers in charter operations between points in Prince George's and Montgomery Counties, MD, pursuant to a contract with Corridor Transportation Corporation.

Order No. 3338, served May 16, 1989, generally described the evidence submitted with the application, and that order is incorporated herein by reference. Order No. 3338 served as publication of notice and directed that protests, if any, be filed no later than May 26, 1989. No protests to this application were received by the Commission within the time set therefor.

Title II, Article XII, Section 4(d)(3) of the Compact provides that the Commission may, in its discretion, grant an application for temporary authority, without hearing or other proceeding, if it finds that there is an immediate and urgent need for the service proposed by the application and that no other carrier service is capable of meeting that need. Fitness of the applicant is also required. See Application of Suburban Transit Company for Temporary Authority to Service the Capital Centre, Order No. 1643, served January 24, 1977; Application of American Coach Lines, Inc., for Declaratory Order or, in the Alternative, Temporary Authority to Conduct Charter Operations Between Points in the Metropolitan District, Order No. 2738, served July 22, 1985; See also Order Nos. 2440, 2448, 2864, and 3221, served July 8, 1983; August 10, 1983; May 23, 1986, and August 23, 1988, respectively.

Inasmuch as no duly authorized carrier protested this application, thereby indicating its ability and willingness to provide the service proposed by applicant, the Commission finds that no other carrier is capable of meeting the service need to which applicant's witness attested. It is further found, based on the evidence of record as described in Order No. 3338, that there is an immediate and urgent need for the service described in this application and that applicant is fit to provide that service.

One further matter remains — applicant's motion for immediate grant of this application so that the proposed service could commence May 15, 1989. As noted in Order No. 3338, GLI already held adequate

operating authority to commence these operations on May 15. Because that authority continues through June 9, 1989, it was not necessary for the Commission to act upon the motion prior to June 9. By this order we grant this application and now find that the motion is, therefore, moot.

Remaining, then, is the question of the term of the temporary authority granted herein. The Compact, Title II, Article XII, Section 4(d)(3) provides, in part, that:

. . . temporary authority unless suspended or revoked for good cause, shall be valid for such time as the Commission shall specify, but for not more than an aggregate of 180 days

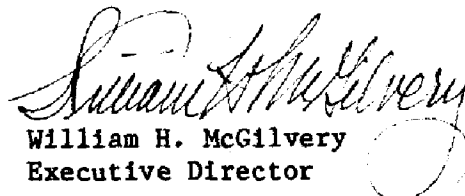
Although the type of service proposed in this application was certainly authorized by the earlier grant of temporary authority in Case No. AP-88-41, we view such long-term contract commitments to provide specific service as discrete from short-term, on-call charter arrangements. We find that the 180-day limitation in Section 4(d)(3) may be construed in this case to apply separately to the contract here under consideration, given that a separate application has been filed and granted. We could have granted applicant's motion for expedited consideration, thus assuring discrete consideration of this application, as distinct from Case No. AP-88-41. We view our action here as a distinction without a difference. Therefore, the 180-day period shall run from the date of commencement of service on May 15, 1989, through November 10, 1989.

THEREFORE, IT IS ORDERED:

1. That Greyhound Lines, Inc., is hereby granted temporary authority to conduct charter operations to transport passengers between points in Prince George's and Montgomery Counties, MD, pursuant to the contract filed May 8, 1989, with Corridor Transportation Corporation.

2. That the temporary authority granted herein shall remain in effect through Friday, November 10, 1989, unless otherwise ordered by the Commission.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS WORTHY, SCHIFTER, AND SHANNON:


William H. McGilvery
Executive Director