

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 3426

IN THE MATTER OF:

Served October 26, 1989

Application for Certificate of )                    Application No. 61  
Public Convenience and Necessity )  
("Grandfather" Clause) by THE )  
GREYHOUND CORPORATION )

By Order No. 366, served June 17, 1964, the Commission dismissed an application of The Greyhound Corporation filed pursuant to Section 4(a), Article XII, Title II of the Compact ("grandfather" clause). The dismissal was based on a preliminary determination that the transportation for which The Greyhound Corporation sought authority was exempt from the jurisdiction of the Commission pursuant to Section 1(a)(4), Article XII, Title II of the Compact. The Commission specifically reserved jurisdiction over the matter contained in Greyhound's grandfather application by making the dismissal ". . . without prejudice to the right of such carrier[s] to prosecute such application[s] in the event a subsequent determination is made that the transportation for which authority is sought comes within the jurisdiction of the Commission."

By applications filed October 24, 1988, Greyhound Lines, Inc. (GLI), seeks a certificate of public convenience and necessity to transport passengers, together with mail, express, and baggage in the same vehicles as passengers, in charter and special operations between points in the Metropolitan District. \*/ A sworn statement submitted with the applications by George W. Hanthorn, GLI's vice-president, states that the filings were precipitated by a decision of the Interstate Commerce Commission (ICC) served September 14, 1988, in Docket No. MC-C-30038, American Coach Lines, Inc., Petition for Declaratory Order. According to Mr. Hanthorn, GLI has long performed charter and special operations between points in the Metropolitan District as an incident to ICC-authorized, regular route operations, and the above-referenced ICC decision could raise a question whether GLI is so authorized.

In light of the terms of Order No. 366, the ICC's above-referenced decision, and GLI's case filings, the Commission shall, pursuant to Commission Rule No. 27-02, reopen Application No. 61 on its own initiative for the purpose of determining the extent, if any, to which Application No. 61 proves GLI was conducting bona fide charter and/or special operations within the Metropolitan District on March 22, 1961. To the extent GLI was conducting such transportation,

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\*/ See Compact, Title II, Article XII, Sections 1(b) and 4(b).

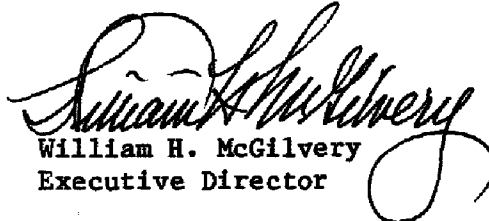
it is entitled as a matter of law to the a certificate of public convenience and necessity as sought in Case Nos. AP-88-43 and AP-88-44 under the standards set forth at Title II, Article XII, Section 4(a) of the Compact.

After reviewing the entire record in Application No. 61, the Commission finds that on March 22, 1961, GLI was engaged in extensive, bona fide transportation of passengers between points in the Metropolitan District from which follows entitlement to conduct charter and special operations between points in the Metropolitan District. A certificate encompassing all GLI's operating authority from this Commission shall issue simultaneously with this order in the form and as set forth in Appendix A to this order.

GLI is hereby directed, within 30 days of service of this order, to file the following: (a) two copies of its appropriately revised WMATC tariff; (b) an equipment list specifying make, model, year, serial number, vehicle number, seating capacity, and license plate number (with jurisdiction) for each vehicle to be used in revenue service; (c) evidence of ownership or lease(s), as appropriate, in conformance with Commission Regulation No. 69 for each vehicle to be used in revenue service; and (d) an affidavit of identification of vehicles in accordance with Commission Regulation No. 67 for which purpose WMATC No. 139 has been previously assigned.

IT IS SO ORDERED.

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

  
William H. McGilvery  
Executive Director

NO. 139

GREYHOUND LINES, INC.

By Order Nos. 366, 3176, 3416, and 3426 of the Washington Metropolitan Area Transit Commission issued June 17, 1964; June 8, 1988; September 26, 1989; and October 26, 1989;

AFTER DUE INVESTIGATION, it appearing that the above-named carrier is entitled to receive authority from this Commission to engage in the transportation of passengers within the Washington Metropolitan Area Transit District as a carrier, for the reasons and subject to the limitations set forth in Order Nos. 366, 3176, 3416, and 3426;

THEREFORE, IT IS ORDERED that the said carrier be, and is hereby granted this certificate of public convenience and necessity as evidence of the authority of the holder thereof to engage in transportation as a carrier by motor vehicle; subject, however, to such terms, conditions, and limitations as are now, or may hereafter be, attached to the exercise of the privilege granted to the said carrier.

IT IS FURTHER ORDERED that the transportation service to be performed by the said carrier shall be as specified below:

IRREGULAR ROUTES

CHARTER OPERATIONS transporting passengers, together with mail, express, and baggage in the same vehicle as passengers, between points in the Metropolitan District.

SPECIAL OPERATIONS transporting passengers, together with mail, express, and baggage in the same vehicle as passengers, between points in the Metropolitan District.

RESTRICTED in charter and special operations against transportation of passengers solely within the Commonwealth of Virginia.

AND IT IS FURTHER ORDERED and made a condition of this certificate that the holder thereof shall render reasonable, continuous, and adequate service to the public in pursuance of the authority granted herein, and that failure to do so shall constitute sufficient grounds for suspension, change, or revocation of the certificate.