

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 4918

IN THE MATTER OF:

Served September 3, 1996

Application to Transfer )  
Certificate of Authority No. 64 ) Case No. AP-96-46  
from LAIDLAW TRANSIT (VIRGINIA) )  
INC., to WILLIAMS BUS LINES, )  
INC.)

By application accepted for filing August 8, 1996, Williams Bus Lines, Inc. (Williams or transferee), a Virginia corporation, and Laidlaw Transit (Virginia) Inc. (Laidlaw or transferor), a Virginia corporation, (collectively applicants) seek Commission approval of the transfer of Certificate of Authority No. 64 from Laidlaw to Williams.

The application includes information regarding, among other things, transferee's corporate status, carrier affiliations, facilities, proposed tariff, finances, and regulatory compliance record. Also included is a copy of the transfer agreement.

Williams proposes conducting operations with 15 school buses acquired from Laidlaw pursuant to the transfer agreement. Applicant proposes a general tariff containing hourly group charter rates and a transfer rate.

Williams also proposes a single contract tariff, even though Williams is projecting income from seven school bus contracts. Under the Compact, transportation by a motor vehicle employed solely in transporting teachers and school children through grade 12 to or from public or private schools is excluded from the Commission's jurisdiction.<sup>1</sup> The "employed solely" test must be met at all times, not just when the vehicle in question is being used as a school bus.<sup>2</sup> Hence, transportation of students and teachers to and from school in a vehicle used for nonexempt purposes is subject to regulation by the Commission.<sup>3</sup> A WMATC carrier is presumed to use all of its vehicles in certificated operations and, therefore, must file all of its school contracts with the Commission.<sup>4</sup> Of course, the filing requirement

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<sup>1</sup> Compact, tit. II, art. XI, § 3(d).

<sup>2</sup> In re Sparten Tours, Inc., aka Sparten Tours, Sparten Bus Tours, Inc., & Sparten Bus World, No. MP-96-03, Order No. 4775 (Feb. 27, 1996).

<sup>3</sup> Id.

<sup>4</sup> In re Arrowhead Bus & Limo. Equip. Co., No. AP-81-27, Order No. 2331 (Apr. 13, 1982) (citing In re McMichael School Bus Serv., Inc., No. 318, Order No. 1593 (Aug. 13, 1976); D.C. Transit Sys., Inc. v. WMA Transit Co., No. 96, Order No. 521 (Sept. 2, 1965)).

does not apply to contracts for transportation solely within Virginia.<sup>5</sup> Williams will be directed to file all proposed contracts for service between points in the Metropolitan District, including school contracts, but not including contracts for transportation solely within Virginia.

Under Article XI, Section 11(a), and Article XII, Section 3(c), of the Compact, the Commission may approve the transfer of assets from Laidlaw to Williams, including Certificate of Authority No. 64, if the Commission finds said transfer to be in the public interest. The public interest analysis focuses on the transferee's fitness, the resulting competitive balance, the benefits to the riding public and the interests of affected employees.<sup>6</sup> Williams will be directed to file a statement describing the benefits of the transfer to the riding public and the effect of the transfer on competition and on the interests of affected employees.

Pursuant to Commission Rule No. 6, this order and fulfillment of its requirements will provide notice of this application.

THEREFORE, IT IS ORDERED:

1. That applicants shall publish once in a newspaper of general circulation in the Metropolitan District, no later than September 16, 1996, notice in the form prescribed by the staff of the Commission.

2. That applicants shall file with the Commission, no later than October 7, 1996, an original and four copies of an affidavit that notice has been published as required in the preceding paragraph.

3. That Williams shall file with the Commission, no later than September 16, 1996, an original and four copies of:

a. all proposed contracts for service between points in the Metropolitan District, including school contracts, but not including contracts for transportation solely within Virginia; and

b. a statement describing the benefits to the riding public and the effect of the transfer on competition and on the interests of affected employees.

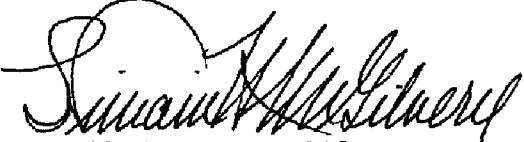
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<sup>5</sup> Compact, tit. II, art. XI, § 3(g).

<sup>6</sup> In re Regency Servs., Inc., & Carey Limo. D.C., Inc., No. AP-95-39, Order No. 4689 at 3 (Nov. 2, 1995).

4. That the deadline for filing protests, comments, applications for intervention and requests for formal hearing is October 7, 1996, and that copies must be served on applicants' attorney, Calvin F. Major, Esquire, 1313 East Main Street, Suite 339, Richmond, VA 23219.

FOR THE COMMISSION:



William H. McGilvery  
Executive Director

