

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 4957

IN THE MATTER OF:

Served October 24, 1996

Application to Transfer)	Case No. AP-96-46
Certificate of Authority No. 64)	
from LAIDLAW TRANSIT (VIRGINIA))	
INC., to WILLIAMS BUS LINES,)	
INC.)	
LAIDLAW TRANSIT (VIRGINIA) INC.)	Case No. MP-96-51
Suspension and Investigation of)	
Revocation of Certificate No. 64)	

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. Laidlaw acquired Certificate No. 64 from Williams in 1994,¹ and Williams now seeks to reacquire it.

Notice of this application was served on September 3, 1996, in Order No. 4918. Applicants were directed to publish further notice in a newspaper and file an affidavit of publication, an amended Exhibit D and a statement addressing the effect of the agreement on competition, the riding public and the interests of affected employees. Applicants complied. The application is unopposed.

While the application was pending, Laidlaw's certificate of insurance expired, resulting in the automatic suspension and invalidation of Certificate No. 64.² The Commission initiated an investigation and directed Laidlaw to show cause within thirty days why Certificate No. 64 should not be revoked.³ Laidlaw did not respond. These two proceedings are consolidated pursuant to Commission Regulation No. 20-02.

SUMMARY OF EVIDENCE

The application includes information regarding, among other things, transferee's corporate status, carrier affiliations,

¹ In re Williams Bus Lines, Inc., & Laidlaw Transit (Virginia) Inc., No. AP-94-17, Order No. 4316 (June 9, 1994).

² In re Laidlaw Transit (Virginia) Inc., No. MP-96-51, Order No. 4921 (Sept. 3, 1996).

³ Id.

facilities, proposed tariff, finances, and regulatory compliance record. Also included is a copy of the transfer agreement.

Transferee proposes conducting operations with 15 school buses acquired from Laidlaw pursuant to the transfer agreement. Transferee proposes a general tariff containing an hourly group charter rate and a transfer rate. Transferee also proposes two contract tariffs.

Transferee filed a balance sheet as of August 5, 1996, showing assets of \$234,772; liabilities of \$218,016; and equity of \$16,756. Transferee's projected income and expense for the first twelve months of WMATC operations shows revenue of \$532,858; expense of \$452,020; and net income of \$80,838.

Transferee certifies it has access to, is familiar with, and will comply with the Compact, the Commission's rules and regulations, and United States Department of Transportation regulations relating to transportation of passengers for hire. Transferee further certifies that neither transferee nor any person controlling, controlled by, or under common control with transferee has any control relationship with a carrier other than transferee.

DISCUSSION AND CONCLUSION

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.⁴ The

⁴ Our approval of the transfer of Certificate No. 64 while suspended should not be construed to mean that transfer of a suspended certificate will always be found consistent with the public interest. In this case, Certificate No. 64 will not be reissued unless and until the cause for suspension -- noncompliance with Commission insurance requirements -- is cured by the transferee. We have approved the transfer of a certificate of authority under identical circumstances in the past. See In re J&B Transp. Co. & John and Bolden, Inc., No. AP-95-43, Order No. 4699 (Nov. 16, 1995) (transfer of suspended certificate found consistent with public interest); cf. In re Katheer Badri Ibrahim t/a KBI Transport Servs., No. MP-96-48, Order No. 4936 (Sept. 18, 1996) (revoked certificate reinstated upon carrier's compliance with insurance requirements); In re Rainbow Luxury Lines, Inc., No. MP-96-10, Order No. 4808 (Apr. 4, 1996) (same); In re Capital Tours & Transp., Inc., t/a Suburban Airport Shuttle, No. MP-95-88, Order No. 4765 (Feb. 13, 1996) (same); In re Airport Baggage Carriers, Inc., No. MP-95-69, Order No. 4659 (Sept. 6, 1995) (same); In re Perkins Ambulance & Wheelchair Serv., Inc., No. MP-91-25, Order No. 3833 (Oct. 21, 1991) (same); In re Gaithersburg Limo Serv., Inc., No. MP-86-33, Order No. 2982 (Mar. 2, 1987) (same).

public interest analysis focuses on the transferee's fitness, the resulting competitive balance and the interests of affected employees.⁵

The public interest favors granting this application. First, the record establishes that applicant is fit. Second, there should be no adverse effect on competition since transferee is merely stepping into the shoes of transferor. Third, transferee states it will retain the employees of transferor. The Commission finds the proposed transfer consistent with the public interest subject to timely compliance with the requirements specified below.

THEREFORE, IT IS ORDERED:

1. That the transfer of assets, including Certificate of Authority No. 64, from Laidlaw to Williams is hereby conditionally approved, contingent upon timely compliance by Williams with the requirements of this order.

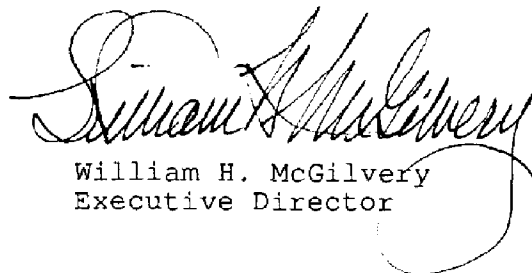
2. That Williams is hereby directed to file the following documents with the Commission: (a) evidence of insurance pursuant to Commission Regulation No. 58 and Order No. 4203; (b) four copies of a tariff or tariffs in accordance with Commission Regulation No. 55; (c) an equipment list stating the year, make, model, serial number, vehicle number, license plate number (with jurisdiction) and seating capacity of each vehicle to be used in revenue operations; (d) evidence of ownership or a lease as required by Commission Regulation No. 62 for each vehicle to be used in revenue operations; (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; and (f) a notarized affidavit of identification of vehicles pursuant to Commission Regulation No. 61, for which purpose WMATC No. 64 is hereby reassigned.

3. That upon timely compliance with the requirements of the preceding paragraph and acceptance of the documents required by the Commission, Certificate of Authority No. 64 shall be reissued to Williams Bus Lines, Inc., 3438 Luttrell Road, Annandale, VA 22003.

⁵ In re Cavalier Transp. Co., Inc., t/a Tourtime America, Ltd., & Tourtime America Motorcoach, Ltd., No. AP-96-21, Order No. 4926 (Sept. 12, 1996). The "public benefit" inquiry was eliminated by Order No. 4926 as an element of the public interest analysis after this application was filed. We apply current law to pending applications. In re Capital City Limo., Inc., & Capital City Transp., Inc., No. AP-96-28, Order No. 4927 (Sept. 12, 1996).

4. That unless Williams complies with the requirements of this order within 30 days from the date of its issuance, or such additional time as the Commission may direct or allow, the approval of transfer shall be void and the application shall stand denied in its entirety, and Certificate No. 64 shall stand revoked, effective upon the expiration of said compliance time.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS ALEXANDER, LIGON, AND MILLER:



William H. McGilvery
Executive Director