

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1292

IN THE MATTER OF:

Application of EXECUTIVE LIMOU-)	Served: December 21, 1973
SINE SERVICE, INC., for Temporary)	
Authority to Operate Between)	Application No. 804
Dulles International Airport and)	
Washington, D. C.)	Docket No. 255

By Application No. 804, dated June 8, 1973, as amended, Executive Limousine Service, Inc. (Executive) seeks temporary authority, pursuant to Title II, Article XII, Section 4(d)(3) of the Compact to transport passengers and their baggage between Dulles International Airport (Dulles), Chantilly, Virginia, on the one hand, and on the other, the Burlington Hotel, Vermont Avenue at Thomas Circle, N. W., Washington, D. C., and between Dulles, on the one hand, and on the other, the Quality Inn-Capitol Hill, 415 New Jersey Avenue, N. W., Washington, D. C. with an intermediate stop at the L'Enfant Plaza Hotel, 9th and D Streets, S. W., Washington, D. C. Pursuant to Order No. 1285, served November 19, 1973, a hearing was held December 11, 1973, to determine the factual bases, if any, for Executive's allegation that there exists an immediate and urgent need for the proposed service to points having no carrier service capable of meeting such need. Greyhound Airport Service, Inc. (Greyhound) was made a party to this proceeding by Order No. 1259, served June 18, 1973, and appeared at the hearing as a protestant.

The tariff filed with Application No. 804, as amended, anticipates that Executive's service would comply with the following daily schedule, based upon one-way fares per passenger, as follows:

ORIGIN	TIME (P.M.)	DESTINATION	TIME (P.M.)	FARE
Quality Inn-Capitol Hill	4:00	Dulles	4:40	\$4.00
L'Enfant Plaza Hotel	4:10	Dulles	4:40	4.00
Burlington Hotel	3:30	Dulles	4:10	4.00
Burlington Hotel	4:30	Dulles	5:20	4.00
Dulles	5:30	Burlington Hotel	6:10	4.00
		L'Enfant Plaza		
Dulles	6:30	Hotel	7:10	4.00
		Quality Inn-Capitol		
Dulles	6:30	Hill	7:20	4.00

The scheduled service between the Burlington Hotel and Dulles would be operated separately from the scheduled service between the Quality Inn-Capitol Hill and Dulles with an intermediate stop at the L'Enfant Plaza Hotel. Executive would provide limousine vehicles having seating capacity for 14 passengers in addition to the driver. The following discussion pertains to immediate and urgent need for the service proposed by Executive, which it alleges no carrier service is capable of meeting. The factual presentation as to the proposed Burlington service will be treated separately from that pertaining to the Quality Inn-Capitol Hill and L'Enfant Plaza service.

I

Burlington Hotel

By appropriate application, Executive sought temporary authority to conduct a limousine service between the Burlington Hotel and Dulles. In Order No. 1270, we denied Executive's application for temporary authority to conduct this portion of its proposed limousine service without prejudice to renewal in the event Greyhound did not furnish economy airport service in

accordance with its currently effective tariff,^{1/} and we directed Greyhound to comply with the provisions of its currently effective tariff governing economy airport service.^{2/} In Order No. 1285, we ordered Greyhound to appear at the hearing for the purpose of determining whether it had remedied the inadequacy in service occasioned by its admitted failure to provide economy airport service between the Burlington Hotel and Dulles. At the hearing, Executive presented its case for the proposed limousine service between the Burlington Hotel and Dulles. Greyhound interposed no objection to such presentation. We consider the application of Executive for temporary authority to operate between the Burlington Hotel and Dulles renewed, and we make the necessary concomitant finding, discussed later, that Greyhound has failed to provide economy airport service between these points in accordance with its currently effective tariff.

1/ "That the application of Executive Limousine Service, Inc., for temporary authority to operate between the Burlington Hotel, Washington, D. C., and Dulles International Airport be, and it is hereby denied without prejudice to renewal in the event that Greyhound Airport Service, Inc., fails to provide economy airport service between such points in accordance with its currently effective tariff." Order No. 1270, served July 20, 1973, Ordering Paragraph No. 2, p. 16.

2/ "That Greyhound Airport Service, Inc., be, and it is hereby, directed and ordered forthwith to observe the individual fares and the regulations and practices relating thereto set forth in its currently effective WMATC Tariff No. 12, and to provide and perform all transportation in the manner stated in the aforesaid tariff, including expressly the furnishing of economy airport service between the Burlington Hotel, Washington, D. C., and Dulles International Airport in the manner and at the fares therein established." Order No. 1270, served July 20, 1973, Ordering Paragraph No. 1, pp. 15-16.

As we stated in Order No. 1270, if Greyhound were to discontinue its economy airport service without our approval, then the issue of whether other services offered by Greyhound from different locations is adequate to whatever need may exist at the Burlington Hotel would be important. Greyhound admits that \$3.50 economy airport service has been discontinued between the Burlington Hotel and Dulles. However, it argues that economy airport service which it provides at \$3.50 to specified points other than the Burlington Hotel, or sedan service which it provides at \$7.00 to the Burlington Hotel on a reservation basis, are adequate to meet the need.

With regard to the alternate economy airport service, Greyhound contends that the \$3.50 bus service it provides between Dulles and the Airline Terminal, 12th and K Streets, N. W., and between Dulles and the Statler Hilton Hotel, 16th and K Streets, N. W., is adequate to meet the need ^{3/} for the \$3.50 limousine-by-reservation economy airport service it is obligated to provide at the Burlington Hotel. There is no evidence of record to indicate that the need for economy airport service at the Burlington Hotel is in any way diminished from what it was when Greyhound first established that need and sought and received from this Commission both the authority and the attendant obligation to provide such service to the Burlington Hotel along with service to the Airline Terminal and the Statler Hilton Hotel.

What the record does support, however, is the conclusion that Greyhound's economy airport service to the Burlington Hotel has diminished and finally ceased. Mr. Hudson Moses, president

3/ Greyhound has argued that members of the travelling public could use a taxicab or some other means to travel from their point of origin to one of the three points at which Greyhound provides economy airport service. The inconvenience and cost occasioned by such method of travelling was fully and completely discussed in Order No. 1270 and need not be restated herein. Moreover, as we set forth in that Order, Greyhound is required to provide and perform the services set forth in its tariff and cannot, of its own volition, alter the terms and conditions of its currently effective tariff.

and general manager of the Burlington Hotel, without contradiction, developed that the type of service Executive seeks to provide is not available at this time for members of the public. He testified that he and members of the public have sought and been unable to secure economy-type limousine service. According to Mr. Moses the primary reason there is an immediate and urgent need for Executive's service is that Greyhound terminated its 3:30 p.m. weekday schedule of picking up passengers at the Burlington Hotel at \$3.50 for transportation by limousine to Dulles ^{4/} and has not provided reservation economy airport service.

We find that the evidence of record supports the conclusion that there is a need for the type of service proposed by Executive between the Burlington Hotel and Dulles, that the need is immediate and urgent because the only authorized service which is even arguably comparable has been unilaterally discontinued by Greyhound, and that the service offered by Greyhound from the Airline Terminal and the Statler Hilton Hotel is not capable of meeting the need.

We now turn to the matter of the \$7.00 group riding door-to-door sedan service provided ^{5/} by Greyhound between the Burlington Hotel and Dulles on a reservation basis with a wait of up to fifteen minutes, up to five stops en route, and with the loading, dispatching, and routing of the vehicle at the discretion of the carrier.

^{4/} Although Greyhound's tariff requires it to provide economy airport service at \$3.50 on a reservation basis between the hours of 6:00 A.M. and 12:01 A.M. between the Burlington Hotel and Dulles, the record establishes that for some period of time Greyhound provided this service to the Burlington Hotel on a regularly scheduled basis at 3:30 P.M., Monday through Friday. The record discloses that this service deteriorated until it was discontinued completely by Greyhound.

^{5/} We noted in Order No. 1270 that there was "sharp disagreement" as to whether Greyhound was, in fact, providing sedan service on request. Even after hearing, opposing contentions remain. Here, as in Order No. 1270, we resolve this issue in favor of Greyhound for the purposes of this proceeding without altering the result.

The Commission recognized the need for the \$7.00 sedan service when it authorized and obligated Greyhound to provide it between the Burlington Hotel and Dulles by approving the same tariff which also authorized and obligated Greyhound to provide the \$3.50 economy airport service between the Burlington Hotel and Dulles. The Commission has not been presented with any evidence or argument in this record to support Greyhound's contention that these needs, already recognized as both different and coexistent, can now be met by providing only the more expensive service. Similarly, there is no support for the contention that sedan service would meet the need for the \$4.00 scheduled limousine service proposed by Executive. While we believe there continues to be a need for Greyhound's \$7.00 sedan service between the Burlington Hotel and Dulles, we conclude that such service is not capable of meeting the immediate and urgent need for the service proposed by Executive.

The evidence of record substantiates Executive's allegation that there is an immediate and urgent need which no other carrier service is capable of meeting for regularly scheduled economy-type limousine service for passengers and their baggage between Burlington Hotel and Dulles. We find that Greyhound has not complied with our order ^{6/} to provide the service required, specifically with respect to economy airport service between the Burlington Hotel and Dulles. We further find that the other services it does offer are not reasonable and adequate alternatives either to its own economy airport service to the Burlington Hotel or to the service herein proposed by Executive.

II

Quality Inn-Capitol Hill and L'Enfant Plaza Hotel

In its original application Executive sought temporary authority to conduct a limousine service between the Quality

^{6/} See footnote 2.

Inn-Capitol Hill and Dulles. The application was subsequently amended to include an intermediate stop at the L'Enfant Plaza Hotel.

Executive presented the testimony of Mr. Prescott H. Pardoe, president and general manager of the Quality Inn-Capitol Hill which established that there is a need for a scheduled limousine service sometime between 4:00 p.m. and 7:00 p.m. Executive also presented the testimony of Ms. Leah Orth that inquiries at the transportation desk of the L'Enfant Plaza Hotel in regard to transportation between that hotel and Dulles average about 100 a month. Her testimony establishes that there is a need for service to accommodate members of the general public who attend conventions or special meetings and who travel between the L'Enfant Plaza Hotel and Dulles. Both Mr. Pardoe and Ms. Orth testified that there is a need for an economy limousine service even though bus, taxicab and sedan service are presently available.

We find that the evidence of record supports the conclusion that there is an immediate and urgent need for the scheduled economy limousine service herein proposed by Executive between the Quality Inn-Capitol Hill and Dulles with an intermediate stop at the L'Enfant Plaza Hotel.

We now must consider Greyhound's assertion that economy airport service which it provides at \$3.50 to specified points other than the Quality Inn-Capitol Hill or the L'Enfant Plaza Hotel, or the sedan service which it provides at \$7.50 at either of these points, are adequate to meet the need.

Here, as with the proposed service at the Burlington, Greyhound argues that the \$3.50 economy airport service it provides between Dulles and the Airline Terminal and the Statler

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Hilton Hotel is adequate to meet whatever need exists at the Quality Inn-Capitol Hill and the L'Enfant Plaza Hotel. Although they may defy exact geographic definition we take note of the fact that there exist identifiable areas within Washington, D. C., widely known as "Capitol Hill" and the "Southwest Employment Area". The Quality Inn-Capitol Hill is in the former; the L'Enfant Plaza Hotel is in the latter. Neither the Airline Terminal nor the Statler Hilton Hotel is in either. Accordingly, we conclude that reasonably direct and adequate economy airport service by Greyhound is not available to either of the hotels here at issue, and that the economy airport service which Greyhound provides at other points is not capable of meeting the need for the service herein proposed by Executive.

Greyhound alleges, and the testimony of Executive witnesses supports, that it does provide the \$7.50 group riding door-to-door sedan service between the Quality Inn-Capitol Hill and the L'Enfant Plaza Hotel, on the one hand, and on the other, Dulles. The testimony further supports the conclusion that there is an immediate and urgent need for the \$4.00 scheduled economy limousine service proposed by Executive. We conclude that the needs for these different services are distinguishable and coexist, and that the provision of either service does not meet or reduce the need for the other. We find here, as at the Burlington, that there continues to be a need for Greyhound's sedan service, and that such service is not capable of meeting the immediate and urgent need for the service proposed by Executive.

7/ In connection with the Airline Terminal and the Statler Hilton Hotel, Greyhound has also mentioned on the record a third point from which it provides economy airport service to Dulles, the Washington Hilton Hotel at 1919 Connecticut Avenue, N.W. Although we have considered this service, we do not otherwise discuss it in this order because we conclude that if the contention cannot be sustained that economy airport service to the closer Airline Terminal and Statler Hilton Hotel is adequate to meet the need, then neither is the same service to the Washington Hilton Hotel which is substantially farther away from any of the three service points proposed by Executive.

8/ See footnote 3.

III

Greyhound has presented two additional issues which we feel merit some discussion.

Greyhound has alleged that contracts which Executive has with certain airlines would prohibit the mixing of airline crews and members of the general public. At the hearing, Executive interposed an objection to any question by Greyhound with reference to the contracts of Executive with various airlines, contending that the subject matter of such contracts was not properly before the Commission in this proceeding because Executive has filed separate applications with the Commission with respect to such contracts and contends that those applications should be dismissed as not within our jurisdiction. The issues relating to any application by Executive, other than its Application No. 804, are not properly before us except to the extent that we must be assured that no activities of any carrier whether or not such activities are subject to our jurisdiction, can be permitted to interfere in any way with its performance of service pursuant to a grant of authority from this Commission. We have adequate assurance on this point in the testimony of Executive's president and the provisions of Executive's proposed tariff, and adequate recourse in the regulations to which all carriers are subject, to assure that there will be no interference with any operations which might be authorized herein.

Second, Greyhound has contended that a grant of temporary authority to Executive in this proceeding would open Pandora's box. Greyhound submits that applicant herein and other carriers could go to every hotel in the city that did not have direct airport service and propose to provide such service and then present to this Commission the same case as presented herein and receive a grant of temporary authority. The Commission has a duty to respond to any application for temporary authority. If a carrier were to establish the conditions specified in Title II, Article XII, Section 4(d)(3) of the Compact, temporary authority could be granted. However, the instant application presents for our determination only the question of immediate and urgent need which no carrier service is capable of meeting for service as

proposed by the applicant between the Burlington Hotel and Dulles and between Quality Inn-Capitol Hill and Dulles with an intermediate stop at L'Enfant Plaza Hotel. Accordingly, the contention of Greyhound is not relevant to this proceeding.

We have considered the other matters pressed by the parties but find that they do not warrant action contrary to that which we now direct.

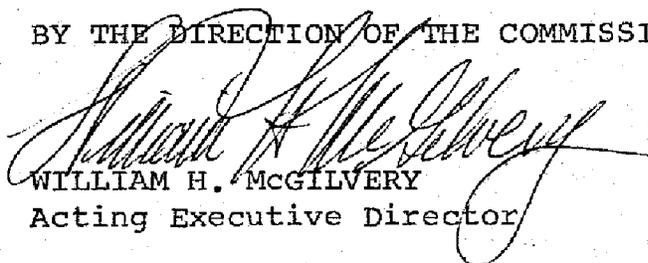
THEREFORE, IT IS ORDERED:

1. That Executive Limousine Service, Inc., be, and it is hereby, granted temporary authority to operate a limousine service as described hereinbefore for passengers and their baggage between Dulles International Airport, Chantilly, Virginia, on the one hand, and on the other, the Burlington Hotel, Washington, D. C., and between Dulles International Airport, Chantilly, Virginia, on the one hand, and on the other, the Quality Inn-Capitol Hill, with an intermediate stop at L'Enfant Plaza Hotel, Washington, D.C.

2. That Executive Limousine Service, Inc., be, and it is hereby, required to file forthwith an appropriate tariff pursuant to the temporary operating authority granted herein, to be effective December 26, 1973.

3. That unless otherwise provided by order of the Commission, the temporary authority granted herein shall become effective Wednesday, December 26, 1973, and shall remain in effect through Sunday, June 23, 1974.

BY THE DIRECTION OF THE COMMISSION:



WILLIAM H. MCGILVERY
Acting Executive Director