

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1353

IN THE MATTER OF:

Application of CENTRAL DELIVERY) Served October 8, 1974
SERVICE, INC., for Temporary)
Authority) Application No. 843

By Application No. 843, filed August 27, 1974, as supplemented, Central Delivery Service, Inc. (Central) seeks temporary authority pursuant to Title II, Article XII, Section 4(d)(3) of the Compact, to transport passengers within the District of Columbia, between the Atlantic Terminal, located between Martin Luther King, Jr., Avenue and South Capitol Street, in the District of Columbia, on the one hand, and on the other, points in that part of the District of Columbia, east of Interstate Highway 295, south of Portland Street, and west of 13th Street, S. E.

The proposed operations would be performed in vehicles with a capacity of 8 to 15 passengers including the driver. The service would be provided between 6:00 a.m. and 8:45 a.m., and between 4:15 p.m. and 7:00 p.m. weekdays except national holidays. The morning service would be rendered pursuant to an advance registration system. Passengers would be picked up in front of their individual residences. Only those persons who had contacted Central's dispatcher would be picked up, and the dispatcher would schedule each vehicle's route according to the requests received. The afternoon service would involve Central's dispatcher assigning persons to vehicles at the Atlantic Terminal. The vehicles would return the passengers to their individual residences.

Central submitted as part of its application a proposed tariff. The tariff states that no fare would be assessed the individual passenger. Rather, Central indicates that it has entered an agreement with the Metropolitan Washington Council of Governments (COG), which provides, inter alia, that COG would compensate Central at the rate of \$9 per hour for each vehicle used to provide service with a minimum compensation fee based on the use of six vehicles for five and one-half hours per day during the period of the agreement. Further, the agreement states that the same rate per hour shall apply for each vehicle in excess of six used by Central with a minimum compensation fee based on four hours of use.

At the same time that it filed its application, Central filed a motion seeking to have the Commission dismiss the application. Central asserts that the Commission lacks jurisdiction. Central argues that the proposed service is contract service and that the Compact contains no provisions for the conduct of contract transportation within the Metropolitan District. Further, Central contends that the Compact contains no provisions for the issuance of limited common carrier service under the terms and conditions under which Central proposes to operate. Central submits that the service is not common carriage because it would not hold itself out generally to the public.

The Commission believes that the motion to dismiss should be denied. The transportation service proposed by Central would be special operations over irregular routes and would be available to the general public within the designated area. The proposed operation would not be contract service. The agreement between Central and COG refers merely to the manner of compensating Central for providing the service to any member of the general public within the designated area.

Under Title II, Article XII, Section 4(d)(3) of the Compact, the Commission must base any decision to grant an applicant temporary authority to provide a specific service upon the finding that there is an immediate and urgent need to a point or points within a territory having no carrier service capable of meeting such need. So finding, the Commission may, in its discretion and without hearings or other proceedings, grant temporary authority.

Central alleges in its application that the immediate and urgent need for the service is a result of current inadequacies in the mass transportation system. Central states that the existing bus service operates only to the Atlantic Terminal. The proposed service would extend the mass transportation system to any point in the designated area. In addition, Central's application contains a statement that no service similar to the proposed service currently exists for members of the public located in the designated area.

COG submitted a statement in support of Central's application. The statement indicates that the service to be provided by Central is a key part of the Urban Corridor Demonstration Program being conducted by COG in cooperation with the District of Columbia Highway Department, Washington Metropolitan Area Transit Authority (WMATA), and Prince George's County, Maryland. The supportive statement further indicates that the circumstances which create immediate and urgent need for the proposed service are the plans to institute the service on September 27, 1974, and the desire to integrate the proposed service with the new bus service provided by WMATA in the service area.

The Commission believes that the record supports a finding that there is an immediate and urgent need for the proposed service and that there is no carrier service capable of meeting this specific need. Accordingly, the Commission shall authorize Central to temporarily perform the proposed service.

An additional matter is presented to the Commission by Central's application. Central indicates that for the first 90 days of operation, no charge would be assessed the individual passenger for the utilization of the service. After termination of the 90-day period, some fare would be assessed to the public. The Commission believes that the tariff submitted as part of the application should be approved. Central is required by the provisions of the Compact to file an appropriate proposed tariff amendment seeking approval of any other fare structure to be applied to the authorized temporary service. Compact, Title II, Article XII, Section 6.

THEREFORE, IT IS ORDERED:

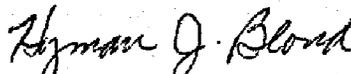
1. That the motion by Central Delivery Service, Inc., to dismiss its Application No. 843 be, and it is hereby, denied.

2. That Central Delivery Service, Inc., be, and it is hereby, granted temporary authority to transport passengers within the District of Columbia, between the Atlantic Terminal, located between Martin Luther King, Jr., Avenue and South Capitol Street, in the District of Columbia, on the one hand, and on the other, points in that part of the District of Columbia east of Interstate Highway 295, south of Portland Street, and west of 13th Street, S. E.

3. That Central Delivery 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 Friday, October 11, 1974.

4. That unless otherwise provided by order of the Commission the temporary authority granted herein shall become effective Friday, October 11, 1974, and shall remain in effect through Tuesday, April 9, 1975.

BY DIRECTION OF THE COMMISSION:



HYMAN J. BLOND
Executive Director

