

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D.C.

ORDER NO. 1399

IN THE MATTER OF:

Application of BELTWAY ) Served January 22, 1975  
LIMOUSINE SERVICE, INC., )  
for Temporary Authority ) Application No. 855

By Application No. 855, filed January 10, 1975, Beltway Limousine Service, Inc. (Beltway) seeks temporary authority pursuant to Title II, Article XII, Section 4(d)(3) of the Compact. Beltway proposes to operate limousine service for passengers and their baggage between Dulles International Airport (Dulles) or Washington National Airport (National) and each of the following:

A. Any point located within limits of cities or other municipal corporations, as follows:

1. Bowie, Md.
2. New Carrollton, Md.
3. Landover, Md.
4. Seabrook, Md.
5. Lanham, Md.
6. Gaithersburg, Md.
7. Rockville, Md.
8. College Park, Md.
9. Greenbelt, Md.
10. Beltsville, Md.
11. Largo, Md.
12. Upper Marlboro, Md.
13. Camp Springs, Md.

B. Prince Georges County, Md., hotels and motels, as follows:

1. Sheraton Inn - Washington Northeast  
8500 Annapolis Road  
New Carrollton, Md.

2. Ramada Inn - Washington Northeast  
9600 Princess Garden Parkway  
Lanham, Md.
3. Hampshire Motor Inn  
7411 New Hampshire Avenue  
Langley Park, Md.
4. Howard Johnsons - Washington Northeast  
Baltimore-Washington Parkway  
Cheverly, Md.
5. In State Inn  
Allentown Road  
Camp Springs, Md.
6. Interstate Inn  
8601 Baltimore Boulevard  
College Park, Md.
7. Holiday Inn  
Route 301 and Route 50  
Bowie, Md.
8. Holiday Inn  
10000 Baltimore Boulevard  
College Park, Md.
9. Holiday Inn  
9137 Baltimore Boulevard  
College Park, Md.
10. Quality Inn  
7200 Baltimore Boulevard  
College Park, Md.

C. Montgomery County, Md., hotels and motels, as follows:

1. Washingtonian Motel  
Shady Grove Road  
Gaithersburg, Md.

2. Ramada Inn  
Route 70S  
Gaithersburg, Md.
3. Holiday Inn  
Gaithersburg, Md.

The proposed service would be offered by appointment only. The proposed tariff filed as part of the temporary authority application indicates that the charges for the proposed transportation service would be as follows:

(A) Between National and a point within a city limit or municipal corporation, \$12 minimum or \$8 per person if two or more; (B) Between National and Montgomery County or Prince Georges County hotels or motels, \$10 minimum or \$6 per person if two or more; (C) Between Dulles and cities within Montgomery County, \$14 per person; (D) Between Dulles and cities within Prince Georges County, \$22 minimum or \$14 per person if two or more; (E) Between Dulles and Montgomery County hotels or motels, \$12 per person; and (F) Between Dulles and Prince Georges County hotels or motels, \$20 minimum or \$12 per person if two or more.

Beltway previously sought temporary authority from this Commission by Application No. 844, filed September 17, 1974. By Order No. 1366, served October 10, 1974, the Commission scheduled that application for public hearing on November 14, 1974. Greyhound Airport Service, Inc. (Greyhound) filed a protest and a motion to postpone the hearing date. By Order No. 1370, served November 11, 1974, the public hearing was postponed to November 20, 1974. Beltway filed a motion on November 14, 1974, requesting that Application No. 844 be dismissed without prejudice. By Order No. 1373, served November 18, 1974, the Commission granted Beltway's motion.

On November 22, 1974, Beltway filed Application No. 849 seeking a certificate of public convenience and necessity authorizing the performance of the same service it had previously proposed to render under temporary authority. Beltway sought a waiver of the Commission's Rule requiring twenty-five day notice by publication and a hearing date in December 1974. By Order No. 1386, served December 3, 1974, the Commission

denied the requested waiver and scheduled a public hearing for January 7, 1975.

A public hearing was held January 7 and 8, 1975. The record of that hearing indicates that Beltway had performed portions of the proposed limousine service between July, 1974 and the date of the hearing. At the hearing, the president of Beltway stated that limousine operations would be ceased pending action by the Commission. Within a few days of the close of the hearing, Beltway filed this application for temporary authority.

Under Title II, Article XII, Section 4(d)(3) of the Compact, the Commission must base any decision to grant temporary authority to provide a specific service upon the findings that there is an immediate and urgent need to a point or points within a territory and that there is 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.

Beltway submits that the testimony elicited at the hearing clearly showed an immediate and urgent need for the type of service performed by Beltway. In addition to the reference to the record of the hearing on Application No. 849, for a certificate of public convenience and necessity, Beltway submitted a statement requesting the Commission to grant Beltway authority to continue to perform the service previously provided during the period July 1974 to January 1975. The statement was signed by the general manager of the Holiday Inn, Gaithersburg, Md., the executive director of the Rockville Chamber of Commerce, the president of the Gaithersburg Chamber of Commerce, the general manager of Gaithersburg Travel, and the Mayor of the City of New Carrollton.

Beltway further contends that there is no carrier service capable of meeting such need. In support of this contention, Beltway states that Greyhound has recently withdrawn an application to modify its tariff to provide more service in Montgomery County and that Steve Nick Pappas withdrew an application for temporary authority to provide service in Montgomery County.

The Compact provision referring to the grant of temporary authority is intended to provide the Commission with the authority to permit a carrier to provide a service for which there is an immediate and urgent public need. The Compact provision contains the following clause: "no carrier service capable of meeting such need". See Title II, Article XII, Section 4(d)(3) of the Compact. This clause requires the Commission to find that the service currently provided by carriers is not capable of meeting the immediate and urgent need.

The Commission has reviewed hereinbefore the complicated procedural aspects which have culminated in the concurrent consideration of a permanent authority application and a temporary authority application. The Commission has considered the record of the public hearing held on January 7 and 8, 1975. Significantly, the record is not complete in that certain late-filed exhibits relating to financial matters have been requested. The Commission also considered the statement filed with the temporary authority application.

The Commission believes that there is an immediate and urgent need for limousine service by appointment between Dulles or National and the specified hotels or motels in Montgomery County or Prince Georges County, Md. The Commission believes there is no existing carrier service capable of meeting this specific need.

The Commission shall authorize Beltway to temporarily perform only that portion of its proposed service for which there is an immediate and urgent need. Accordingly, the Commission shall deny that portion of Application No. 855 which seeks temporary authority to perform limousine service by appointment between Dulles or National and specified cities or other municipal corporations located in Montgomery County or Prince Georges County, Md.

THEREFORE, IT IS ORDERED:

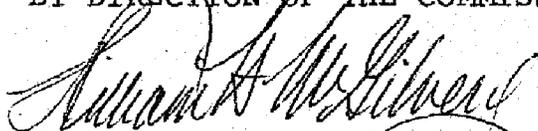
1. That Application No. 855 of Beltway Limousine Service, Inc., be, and it is hereby, granted in part and denied in part.
2. That Beltway Limousine Service, Inc., be, and it is

granted temporary authority to transport passengers and their baggage between Dulles International Airport or Washington National Airport, on the one hand, and on the other, Sheraton Inn - Washington Northeast, 8500 Annapolis Road, New Carrollton, Md.; Ramada Inn - Washington Northeast, 9600 Princess Garden Parkway, Lanham, Md.; Hampshire Motor Inn, 7411 New Hampshire Avenue, Langley Park, Md.; Howard Johnsons - Washington Northeast, Baltimore-Washington Parkway, Cheverly, Md.; In State Inn, Allentown Road, Camp Springs, Md.; Interstate Inn, 8601 Baltimore Boulevard, College Park, Md.; Holiday Inn, Route 301 and Route 50, Bowie, Md.; Holiday Inn, 10000 Baltimore Boulevard, College Park, Md.; Holiday Inn, 9137 Baltimore Boulevard, College Park, Md.; Quality Inn, 7200 Baltimore Boulevard, College Park, Md.; Washingtonian Motel, Shady Grove Road, Gaithersburg, Md.; Holiday Inn, Gaithersburg, Md.; or Ramada Inn, 70S, Gaithersburg, Md.

3. That Beltway Limousine Service, Inc., be, and it is hereby, required to file forthwith an appropriate tariff stating rates as proposed in Application No. 855, pursuant to the temporary operating authority granted herein to be effective Thursday, January 23, 1975, upon acceptance by the Executive Director.

4. That unless otherwise provided by order of the Commission the temporary authority granted herein shall become effective Thursday, January 23, 1975, and shall remain in effect through Monday, July 21, 1975.

BY DIRECTION OF THE COMMISSION:

  
WILLIAM H. MCGILVERY  
Acting Executive Director