

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1539

IN THE MATTER OF:

Served April 23, 1976

Application of JIM SMITH COMPANY for)
 Certificate of Public Convenience and)
 Necessity to Perform Charter Opera-)
 tions Pursuant to Contract)

Application No. 934

Docket No. 323

By Application No. 934, filed April 7, 1976, Jim Smith Company (Smith) seeks a certificate of public convenience and necessity, pursuant to Title II, Article XII, Section 4(b) of the Compact, to perform charter operations pursuant to contract. Smith seeks authority to transport persons travelling on official government business (A) between the National Geological Survey Center, 12201 Sunrise Valley Drive, Reston, Virginia, and the Department of Interior Building, 18th and C Streets, N. W., Washington, D. C., and (B) from the National Geological Survey Center, 12201 Sunrise Valley Drive, Reston, Virginia, to points in the Metropolitan District. 1/

The transportation service would be performed pursuant to a contract between the United States Geological Survey and Smith. The contract is for a one-year period from April 1, 1976, through March 31, 1977. Scheduled shuttle service would be provided between fixed points on a daily basis except Saturdays, Sundays, and holidays. Other service would be provided on an "on-call" basis as required. The contract sets forth the following two schedules for the proposed shuttle service.

VEHICLE NUMBER 1					
<u>National Center</u>		<u>Building E2</u>		<u>Interior Building</u>	
<u>Depart</u>	<u>Arrive</u>	<u>Arrive</u>	<u>and Depart</u>	<u>Arrive</u>	<u>Depart</u>
7:10		7:20		8:00	
	9:05	8:55			8:15
9:15		9:25		10:05	
	11:05	10:55			10:15
11:45		11:55		12:35	
	1:35	1:25			12:45
1:45		1:55		2:35	
	3:50	3:40			3:00

1/ The Compact, Title II, Article XII, Section 1(b) provides that the Commission does not have regulatory jurisdiction over transportation for hire of persons between points solely within the Commonwealth of Virginia. The Commission thus will not consider the application as requesting authority to perform operations between two points solely within the Commonwealth of Virginia.

VEHICLE NUMBER 2

<u>National Center</u>		<u>Building E2</u>		<u>Interior Building</u>	
<u>Depart</u>	<u>Arrive</u>	<u>Arrive</u>	<u>and Depart</u>	<u>Arrive</u>	<u>Depart</u>
8:00		8:10		9:00	
	10:05	9:55			9:15
10:15		10:25		11:05	
	12:35	12:25			11:45
12:45		12:55		1:35	
	2:35	2:25			1:45
3:00		3:10		4:00	
	5:00	4:50			4:05

Smith would be paid \$5,700 per month for provision of the scheduled passenger shuttle service and \$50 per day for on-call passenger shuttle service. Passengers travelling in the proposed shuttle service would not pay per capita fares. Rather, the payments would be made pursuant to the contract. Smith would render the proposed shuttle services in vans with at least 12-passenger seating capacity.

Title II, Article XII, Section 4(b) of the Compact provides as follows:

When an application is made under this section for a certificate, . . . , the Commission shall issue a certificate to any qualified applicant therefor, . . . , if it finds, after hearing held upon reasonable notice, that the applicant is fit, willing and able to perform such transportation properly and to conform to the provisions of this Act and the rules, regulations, and requirements of the Commission thereunder, and that such transportation is or will be required by the public convenience and necessity; otherwise such application shall be denied. (Emphasis added.)

Pursuant to this mandate, the Commission shall schedule a public hearing to develop an appropriate record. Smith shall be assessed an amount preliminarily estimated to be sufficient to cover the expenses which the Compact, Title II, Article XII, Section 19(a) requires the carrier to bear.

The Commission shall require Smith to submit and be prepared to support with a competent witness a statement projecting revenues and revenue deductions for a one-year period. Smith shall be directed to file six (6) copies of the statement with the Commission and serve one copy on each party of record on or before Wednesday, June 2, 1976. Smith shall be prepared to present evidence that public convenience and necessity require the proposed service.

The Commission may, in its discretion and without hearing or other proceedings, authorize a carrier to provide a service for which there is an immediate and urgent need to a point or points or within a territory having no carrier service capable of meeting such need. See Compact, Title II, Article XII, Section 4(d)(3). The Commission finds that persons travelling on official government business have an immediate and urgent need for transportation between the National Geological Survey Center and the Department of Interior Building and from the National Geological Survey Center to points in the Metropolitan District not within the Commonwealth of Virginia. Accordingly, the Commission shall grant Smith temporary authority pending a decision on the application for a certificate of public convenience and necessity. Of course, the grant of temporary authority creates no presumption that corresponding permanent authority will be granted.

THEREFORE, IT IS ORDERED:

1. That Application No. 934 of Jim Smith Company be, and it is hereby, scheduled for public hearing to commence Monday, June 7, 1976, at 9:30 A. M., in the Hearing Room of the Commission, Room 314, 1625 I Street, N. W., Washington, D. C. 20006.

2. That Jim Smith Company publish in a newspaper of general circulation in the Metropolitan District and post in each of its vehicles notice of the application and hearing in the form prescribed by the staff of the Commission no later than Wednesday, May 12, 1976, and present at the hearing a certificate of publication from the selected newspaper and a certificate of posting.

3. That six (6) copies, the original to be submitted at the hearing, of the statement required hereinbefore be filed by Jim Smith Company with the Commission and one copy served on each party of record on or before Wednesday, June 2, 1976.

4. That any person desiring to protest shall file a protest in accordance with Commission Rule 14, or any person desiring to be heard on this matter shall notify the Commission, in writing, on or before Friday, May 28, 1976, and shall mail a copy of such protest or such notice to Jim M. Smith 11410 North Shore Drive, Reston, Virginia 22090.

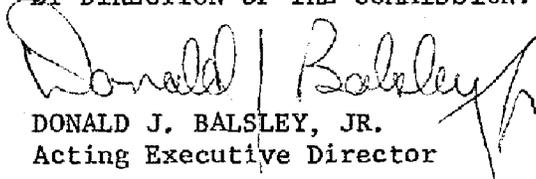
5. That Jim Smith Company be, and it is hereby, granted temporary authority to transport persons travelling on official government business, over irregular routes, in charter operations, (A) between the National Geological Survey Center, 12201 Sunrise Valley Drive, Reston, Virginia, and the Department of Interior Building, 18th and C Streets, N. W., Washington, D. C., and (B) from the National Geological Survey Center, 12201 Sunrise Valley Drive, Reston, Virginia, to points in the Metropolitan District not within the Commonwealth of Virginia, pursuant to contract with the United States Geological Survey.

6. That unless otherwise provided by order of the Commission the temporary authority granted herein shall become effective Monday, April 26, 1976, and shall remain in effect through Friday, October 22, 1976.

7. That Jim Smith Company be, and it is hereby, required to file an appropriate tariff pursuant to the temporary authority granted herein to be effective April 26, 1976.

8. That Jim Smith Company be, and it is hereby, assessed \$200 pursuant to the provisions of the Compact, Title II, Article XII, Section 19, and directed to deliver said amount to the office of the Commission, Room 316, 1625 I Street, N. W., Washington, D. C. 20006, on or before Wednesday, June 2, 1976.

BY DIRECTION OF THE COMMISSION:


DONALD J. BALSLEY, JR.
Acting Executive Director