

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1567

IN THE MATTER OF:

Petition of EXECUTIVE LIMOUSINE)	Served June 11, 1976
SERVICE, INC., for Temporary)	
Authority and Permanent Authority)	Application No. 945
to Eliminate Vehicle Seating)	
Restriction)	Docket No. 330

By petition filed June 1, 1976, Executive Limousine Service, Inc. (Executive) requests that the Commission, pursuant to Title II, Article XII, Section 4(b) and Section 4(d)(3) of the Compact, relieve it from a vehicle seating restriction applicable to certain special operations authorized by its Certificate of Public Convenience and Necessity No. 18. Executive seeks to be permitted to render special operations, over irregular routes, without regard to vehicle seating capacity, (A) between the Dulles International Airport (Dulles), Chantilly, Va., on the one hand, and on the other, the Quality Inn - Capitol Hill, 415 New Jersey Avenue, N. W., Washington, D. C.; (B) between Dulles, on the one hand, and on the other, the L'Enfant Plaza Hotel, 480 L'Enfant Plaza East, S. W., Washington, D. C., and (C) between Dulles, on the one hand, and on the other, the Hyatt Regency Washington, 400 New Jersey Avenue, N. W., Washington, D. C. Executive requests that immediate relief be granted and that a public hearing be scheduled for the purpose of determining whether the restriction should be permanently eliminated.

Executive's Certificate of Public Convenience and Necessity No. 18 authorizes the performance of special operations, over irregular routes, limited to limousine service, between Dulles, on the one hand, and on the other, the Burlington Hotel, Vermont Avenue at Thomas Circle, N. W., Washington, D. C.; between Dulles, on the one hand, and on the

other, the Quality Inn-Capitol Hill; between Dulles, on the one hand, and on the other, the L'Enfant Plaza Hotel, and between Dulles, on the one hand, and on the other, the Hyatt Regency Washington. The special operations are limited to limousine service and are restricted to the performance of such operations in vehicles with seating capacity of fifteen passengers or less, including the driver. That Certificate also authorizes the performance of separate charter operations pursuant to contract with specified airlines between Dulles or Washington National Airport, Gravelly Point, Virginia, on the one hand, and on the other, points within the District of Columbia or Maryland which are located within the Metropolitan District.

Executive supports its petition with statements indicating that its current seating capacity is not sufficient to satisfy the demand for its service. Executive currently operates one Cadillac limousine, two Chrysler limousines, and six Quality Coach Airport limousines. These nine vehicles have a total seating capacity of 107 passengers. Executive has ordered three Chrysler limousines and one rebuilt Quality Coach Airport limousine. These four vehicles would have a total seating capacity of 47 passengers. The vehicles on order will not be delivered until the latter part of July. Executive submits that it has been unable to obtain within the Metropolitan District equipment similar to the vehicles currently being operated. Executive proposes to operate a single motor coach, which would be licensed under an appropriate lease and in all respects available to it as though it were an owned vehicle.

Executive submitted a passenger log and a separate summary for the special operations conducted during the month of May, 1976. That log indicates that Executive has been required to use more than the scheduled vehicle on several occasions to provide passenger service between Dulles and the Quality Inn-Capitol Hill, L'Enfant Plaza Hotel, or Hyatt Regency Washington. In addition, Executive's log indicates that on several occasions more than the scheduled vehicle has been required to provide passenger service between Dulles and the Burlington Hotel.

Executive submits that the number of passengers being transported in special operations and charter pursuant to contract operations exceeds the scheduled vehicle capacity available to transport those passengers. Executive thus has been required to operate two or more vehicles to satisfy the passenger demand. Executive states that, as a result of operating additional vehicles, it has experienced a substantial increase in its operating costs, particularly wages and fuel, but has not been able to schedule the vehicles so as to operate at maximum passenger capacity.

The Commission may, in its discretion and without hearings or other proceedings, authorize a carrier to provide a service for which there is an immediate and urgent need to a point or points within a territory having no carrier service capable of meeting such need. See Compact, Title II, Article XII, Section 4(d)(3). Moreover, there is no provision in the Compact that conditions a grant of temporary authority upon a carrier filing an application for such authority.

In support of its request for temporary authority to render special operations without regard to vehicle seating capacity, Executive submitted separate letters from the Hyatt Regency Washington and the Quality Inn-Capitol Hill. These letters indicate that the number of guests requiring Executive's service have exceeded the vehicle capacity with the result that additional vehicles had to be supplied. These letters also indicate that there has been an increasing demand for Executive's service and that the demand should continue to increase. Each letter supports Executive's proposed operation of a larger size vehicle such as an air-conditioned coach with reclining seats. Executive states that it is the only carrier providing service between Dulles on the one hand, and on the other, the Quality Inn-Capitol Hill, the L'Enfant Plaza Hotel, and the Hyatt Regency Washington.

The Commission finds that there is an immediate and urgent need for relief from the vehicle restriction contained in Executive's Certificate of Public Convenience and Necessity No. 18 as applicable to special operations, over irregular

routes, between Dulles, on the one hand, and on the other, the Quality Inn-Capitol Hill; between Dulles, on the one hand, and on the other, the L'Enfant Plaza Hotel, and between Dulles, on the one hand, and on the other, the Hyatt Regency Washington. Executive thus temporarily will be permitted to operate a motor coach in rendering only these special operations and will not be limited to limousine service. Of course, the grant of temporary authority creates no presumption that corresponding permanent authority will be granted.

The Commission shall grant Executive's request that the public hearing on the permanent relief be convened after the summer. The petition supports merely a temporary relief from the vehicle restriction as applicable to the specified special operations rendered by Executive. The determination of the request for permanent relief should be made only when it is possible to measure the demands for Executive's service beyond this summer and when its equipment on order is available for service. Accordingly, the Commission shall schedule a public hearing for September 20, 1976.

THEREFORE, IT IS ORDERED:

1. That the petition for emergency and permanent authority to eliminate vehicle seating restriction be, and it is hereby, granted to the extent that it requests temporary authority to render special operations, over irregular routes, not limited to limousine service, (A) between the Dulles International Airport, Chantilly, Virginia, on the one hand, and on the other, the Quality Inn-Capitol Hill, 415 New Jersey Avenue, N. W., Washington, D. C.; (B) between the Dulles International Airport, Chantilly, Virginia, on the one hand, and on the other, the L'Enfant Plaza Hotel, 480 L'Enfant Plaza East, S. W., Washington, D. C., and (C) between the Dulles International Airport, Chantilly, Virginia, on the one hand, and on the other, the Hyatt Regency Washington, 400 New Jersey Avenue, N. W., Washington, D. C., without regard to the seating capacity of the vehicles used to perform such operations and

to the extent that it requests the delay in scheduling of a public hearing for the consideration of the permanent elimination of the vehicle seating restriction as applicable to such special operations.

2. That unless otherwise provided by order of the Commission, the temporary authority granted herein shall become effective Sunday, June 13, 1976, and shall remain in effect through Thursday, December 9, 1976.

3. That Executive Limousine Service, Inc., be, and it is hereby, required to file forthwith an appropriate equipment list and certificate of insurance applicable to the temporary authority granted herein.

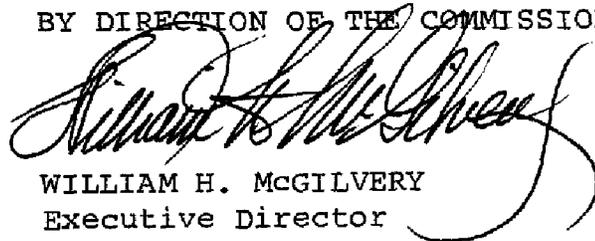
4. That Application No. 945 of Executive Limousine Service, Inc., for permanent elimination of the vehicle seating restriction applicable to the herein specified special operations be, and it is hereby, scheduled for public hearing to commence Monday, September 20, 1976, at 9:30 A. M., in the Hearing Room of the Commission, Room 314, 1625 I Street, N. W., Washington, D. C. 20006.

5. That Executive Limousine Service, Inc., publish in a newspaper of general circulation in the Metropolitan District and post in each vehicle that it operates a notice in the form prescribed by the staff of the Commission of such application and hearing no later than Thursday, August 19, 1976, and present at the hearing a certificate of publication from the selected newspaper and a certification of posting.

6. 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 Tuesday, September 7, 1976, and shall mail a copy of such protest or notice to counsel of record for Executive Limousine Service, Inc., Maxwell A. Howell, Exquire, Suite 1100 Investment Building, 1511 K Street, N. W., Washington, D. C. 20005.

7. That Executive Limousine Service, Inc., 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 offices of the Commission, Room 316, 1625 I Street, N. W., Washington, D. C., on or before Friday, September 10, 1976.

BY DIRECTION OF THE COMMISSION:

A large, stylized handwritten signature in black ink, which appears to read "William H. McGilvery". The signature is written over the printed name and title.

WILLIAM H. MCGILVERY
Executive Director