

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1606

IN THE MATTER OF:

Application of JIM SMITH)	Served September 15, 1976
COMPANY for Certificate of)	
Public Convenience and)	Application No. 934
Necessity to Perform)	
Charter Operations)	Docket No. 323
Pursuant to Contract)	

By Application No. 934, dated 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, and return.

Pursuant to Order No. 1539, served April 23, 1976, the Commission granted temporary authority to Smith to render the proposed transportation service. See Order No. 1539, pages 1 and 2. The temporary authorization became effective April 26, 1976, and shall be effective through October 22, 1976. By Order No. 1539 the Commission scheduled Smith's Application No. 934 for public hearing, which was held June 7, 1976. No protests to the application were filed and no one appeared at the public hearing in opposition.

The findings to be made by the Commission with respect to applications for certificates of public convenience and necessity are set forth in Title II, Article XII, Section 4(b) of the Compact. The Commission must make two separate findings.

First, the applicant must be "fit, willing and able" to perform the proposed transportation properly and to conform to the provisions of the Compact and the rules, regulations and requirements of the Commission thereunder. Second, the proposed transportation "must be or will be required" by the public convenience and necessity.

Smith is a sole proprietorship. Its principal office is in Lithonia, Georgia. For approximately seven years, Smith has been rendering transportation services pursuant to agreements with the United States government. It currently performs transportation services for Air Force Bases in Florida, Illinois, North Carolina and North Dakota. Smith also performs transportation services for the shipyard in Norfolk, Va. Smith's contract with the United States Geological Survey (Survey) is its initial transportation operation within the jurisdiction of this Commission.

Smith's contract with the Survey specifies two separate forms of transportation service. First, Smith would render a scheduled shuttle service over irregular routes between the Survey's Center in Reston, Va., and the Department of Interior Building in Washington, D. C. Second, Smith would render an on-call service from the Survey's Center in Reston, Va., to points in the Metropolitan District and return. Three classes of personnel could use the services. These would be Survey employees, other government employees who have business at the Survey, and any authorized personnel who have business at the Survey. This latter class would be entitled to use the transportation service only with written permission from the Technical officers at the Survey.

The transportation services would be operated Monday through Friday, except federal holidays. The scheduled shuttle service would involve eight round-trips per day. See Order No. 1539, pages 1 and 2. The shuttle service would be operated among the Survey's Center in Reston, Va., an office building in Reston, Va., referred to as Building E2, and the Department of Interior Building in Washington, D. C. The on-call service would operate upon demand. This service would be rendered either to points not located on the scheduled shuttle or at times

when the scheduled shuttle is not being operated. The on-call service would be rendered pursuant to the request of authorized personnel at the Survey.

Approximately two years ago, the Survey relocated from Washington, D. C., to its present locations in Reston, Va. At that time, the Survey instituted a shuttle operation in government vehicles with government employees as operators. The shuttle operation transported government personnel to and from the Survey's offices in Reston, Va. The Survey decided in February, 1976, to enter a contract for the provision of the schedule shuttle service and on-call service. As a result, bids were solicited and Smith was awarded the contract.

The Survey's employees have a periodic need to conduct business at different government agencies, primarily the Civil Service Commission, Department of Interior, and General Services Administration. As an incidence of that need, the Survey's employees need a means of transportation between Reston, Va., and Washington, D. C. In addition, other government employees and non-government individuals have a need for transportation services to and from the Survey's offices in Reston, Va., for the purpose of conducting business pertaining to the Survey.

Smith would render the proposed transportation services in 15 passenger vans. The operation would be locally managed. Smith submitted a statement projecting revenues and revenue deductions for the term of the initial contract, April 1, 1976, to March 31, 1977. That statement reflects \$18,217.84 income before salary and taxes.

The Commission finds that Smith is fit, willing and able to perform the proposed transportation services properly and to conform to the provisions of the Compact and the rules, regulations and requirements of the Commission thereunder. The Commission further finds that the public convenience and necessity requires the transportation of persons travelling on official government business between the Survey's Center in Reston, Va., and the Department of Interior Building in Washington, D. C., and from the Survey's Center in Reston, Va., to points in the Metropolitan District and return.

The Survey's Center in Reston, Va., includes offices in the National Center and Building E2. To the extent that the scheduled shuttle service or on-call service provides transportation between either of these buildings in Reston, Va., and a point in the Metropolitan District not within the Commonwealth of Virginia, this Commission has jurisdiction to issue a carrier a certificate of public convenience and necessity. However, the Compact expressly provides that the Commission's jurisdiction does not apply to transportation rendered solely within the Commonwealth of Virginia. See Compact, Title II, Article XII, Section 1(b). The findings set forth herein and the authority granted hereby thus do not relate to Smith's operation of scheduled shuttle service or on-call service involving the transportation of persons travelling on official government business between places located solely within the Commonwealth of Virginia.

The Commission has the power to attach to the issuance of a certificate and to the exercise of the rights granted thereunder such reasonable terms and conditions as the public convenience may require, subject to specified limitations not herein relevant. See Compact, Title II, Article XII, Section 4(b). The Commission finds that the authority to be granted Smith should be restricted to the provision of the proposed services in vehicles not exceeding 15 passenger designed seating capacity including the driver.

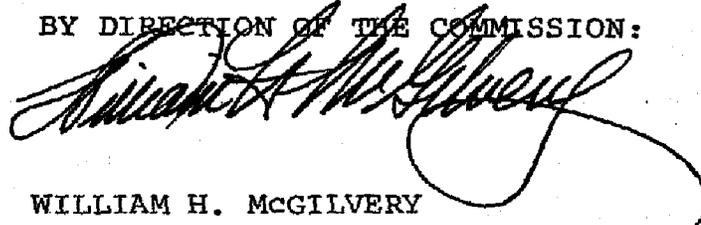
The Compact mandates that each carrier "file with the Commission, and keep open to public inspection, tariffs showing (1) fares it charges for transportation subject to this Act. . . ., and (2) to the extent required by regulations of the Commission, the regulations and practices of such carrier affecting such fares". See Compact, Title II, Article XII, Section 5(a). The Commission has given consideration to, among other things, the financial condition of Smith, its revenue requirements in the proposed transportation operation, and whether Smith would be operated economically and efficiently. The Commission concludes that the rate set forth in the record is just, reasonable and not unduly preferential or unduly discriminatory either between riders or sections of the Metropolitan District. The Commission shall direct Smith to file an appropriate tariff.

The Commission has considered the other matters presented by the record but finds they do not warrant action contrary to that which now is directed.

THEREFORE, IT IS ORDERED:

1. That Application No. 934 of Jim Smith Company be, and it is hereby, granted.
2. That Jim Smith Company be, and it is hereby, issued Certificate of Public Convenience and Necessity No. 35, as attached hereto and made a part hereof.
3. That Jim Smith Company be, and it is hereby, directed to file two copies of WMATC Tariff No. 1 in accordance with the authority granted herein, such tariff to be effective upon acceptance by the Executive Director.

BY DIRECTION OF THE COMMISSION:



WILLIAM H. MCGILVERY
Executive Director

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

No. 35

JIM SMITH COMPANY
LITHONIA, GEORGIA

By Order No. 1606 of the Washington Metropolitan Area Transit Commission issued September 15, 1976.

AFTER DUE INVESTIGATION, it appearing that the above-named carrier is entitled to receive authority from this Commission to engage in the transportation of passengers within the Washington Metropolitan Area Transit District as a carrier, for the reasons and subject to the limitations set forth in Order No. 1606.

THEREFORE, IT IS ORDERED, that the said carrier be, and it is hereby, granted this certificate of public convenience and necessity as evidence of the authority of the holder to engage in transportation as a carrier by motor vehicle; subject, however, to such terms, conditions and limitations as are now or may hereafter be attached to the exercise of the privilege herein granted to the said carrier.

IT IS FURTHER ORDERED that the transportation authorized by this certificate of public convenience and necessity shall be limited to the performance of service pursuant to agreement between Jim Smith Company and the United States Geological Survey, provided, however, that written notice must be filed by the carrier with the Commission within five (5) days of any cancellation or termination of the aforementioned agreement, and further provided that any change in or amendment to the aforementioned agreement shall be filed with the Commission for approval at least fifteen (15) days prior to the proposed effective date of such change or amendment, and further provided that any change or amendment to the aforementioned agreement which would involve new authority shall be subject to the provisions of the Washington Metropolitan Area Transit Regulation Compact and the Rules and Regulations of the Commission.

IT IS FURTHER ORDERED that the transportation service to be performed by the said carrier shall be as specified below, except that this certificate does not authorize any intrastate transportation in Virginia:

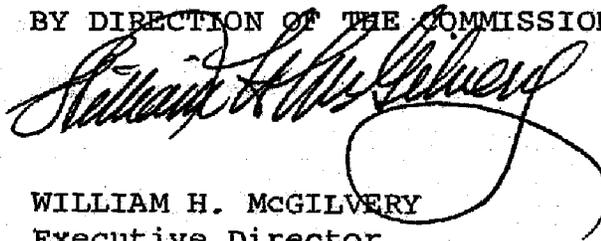
IRREGULAR ROUTE:

CHARTER OPERATIONS PURSUANT TO CONTRACT to perform transportation of 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, and return.

RESTRICTED to the performance of such operations in vehicles with a seating capacity of fifteen passengers including the driver.

AND IT IS FURTHER ORDERED and made a condition of this certificate that the holder thereof shall render reasonable, continuous and adequate service in pursuance of the authority granted herein, and that failure so to do shall constitute sufficient grounds for suspension, change or revocation of this certificate.

BY DIRECTION OF THE COMMISSION:



WILLIAM H. MCGILVERY
Executive Director