

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1650

IN THE MATTER OF:

Served February 8, 1977

Application of D. C. TRANSIT SYSTEM,)
INC., for Temporary Authority to)
Conduct Charter Operations Pursuant to)
Contract with "A Presidential Class-)
room for Young Americans")

Application No. 978

Application of D. C. TRANSIT SYSTEM,)
INC., for Temporary Authority to)
Conduct Charter Operations Pursuant to)
Contract with "Close Up Foundation")

Application No. 979

By Application Nos. 978 and 979, both filed January 21, 1977, and supplemented January 26, 1977, D. C. Transit System, Inc., seeks temporary authorities to perform charter operations pursuant to contracts, as described below, pursuant to the provisions of the Compact, Title II, Article XII, Section 4(d)(3). 1/

Applicant's contract with A Presidential Classroom for Young Americans (Presidential), to commence January 27, 1977, and terminate March 12, 1977, requires applicant to provide shuttle service on each Saturday during the contract period between Marriott Twin Bridges Hotel, Crystal City, Virginia, on the one hand, and, on the other, National Airport, Dulles International Airport, Baltimore-Washington International Airport, Union Station, and

1/ Authority sought in Application No. 978 pursuant to a contract with A Presidential Classroom for Young Americans: (a) passengers and their baggage, over irregular routes, in one-way shuttle operations, between airports, train stations, bus stations and points in the Metropolitan District; (b) passengers, over irregular routes, between points in the Metropolitan District.

Authority sought in Application No. 979 pursuant to a contract with Close Up Foundation: (a) passengers and their baggage, over irregular routes, in one-way operations, between airports and points in the Metropolitan District; (b) passengers and their baggage, over irregular routes, in one-way operations, between Union Station and points in the Metropolitan District; (c) passengers, over irregular routes, in one-way operations, between points in the Metropolitan District; (d) passengers, over irregular routes, in one-way or round-trip operations, between points in the Metropolitan District.

those bus depots located in the Metropolitan District. 2/ The contract also requires daily transfer service (except Saturdays) beginning and ending at Marriott Twin Bridges Hotel and extending to numerous points in the Metropolitan District. Approximately 9 buses a day, exclusive of back-up vehicles, will be required, and the rates for these services are as follows:

	<u>Saturday Service</u>	<u>Daily Service</u>
3 hour minimum	\$66.50	\$59.85
Each additional hour or part	19.00	17.10

The contract with Close Up Foundation (Close Up), to commence on January 9, 1977, and extend through May 28, 1977, will require D. C. Transit to provide approximately five buses a day for transfer service from and to the Sheraton Park Hotel, Washington, D. C., and the Quality Inn-Pentagon City, in Arlington County, Virginia, and local, non-lectured service, beginning and ending at these hotels and extending to the following specific points at the following rates:

Transfers, one-way, point to point:

In-Town	\$59.50
Union Station	59.50
National Airport <u>3/</u>	66.50
Dulles International Airport <u>3/</u>	83.12
Baltimore-Washington International Airport <u>3/</u>	85.00

Local service, non-lectured:

3 hour minimum	66.50
Each additional hour	16.12

2/ Baltimore-Washington International Airport is outside of the Metropolitan District and service from and to that point cannot be authorized by this Commission. Service between Marriott Twin Bridges Hotel, National Airport, and Dulles International Airport apparently involves service between points solely located in Virginia, and beyond the jurisdiction of this Commission. See Compact, Title I, Article I, and Title II, Article XII, Section 4(b). These parts of Application No. 978 shall be dismissed.

3/ For the reasons set forth in footnote 2, supra, those parts of Application No. 979 seeking authority (a) from and to Baltimore-Washington International Airport, and (b) between Quality Inn Hotel, National Airport, and Dulles International Airport, shall be dismissed for lack of jurisdiction.

In support of these applications, D. C. Transit states that it is the only carrier available to provide quality motor coach service at reasonable costs, and states that the chartering parties require a carrier with a large fleet of motor coaches to guarantee the availability of backup vehicles. 4/ The contracts themselves are also relied on as evidence of immediate and urgent need.

With regard to existing service, applicant mentions four certificated carriers. Atwood's Transport Lines, Inc. (Atwood's), as pertinent, is authorized to conduct charter operations, round-trip or one-way, from Washington, D. C., to points in the Metropolitan District. 5/ Blue Lines, Inc., holds charter authority from points within the District of Columbia to points within the District of Columbia. 6/ The Gray Line, Inc. (Gray Line) holds charter authority, round-trip or one-way, from points in the Metropolitan District, not including Alexandria, Virginia, to points in the Metropolitan District; and one-way from Alexandria, Virginia, to points in the Metropolitan District. 7/ The charter authority of White House Sightseeing Corporation (White House) is limited to sightseeing or pleasure tours. 8/

Presidential has submitted a verified statement in support of Application No. 978, and states that it stopped using Atwood's service after 1974 because of equipment and scheduling failures. White House assertedly lacks enough equipment to meet Presidential's needs, and its charter authority, being limited to sightseeing and pleasure tours, would not enable it to perform the service specified in these contracts. Gray Line, after being contacted by Presidential, did not bid on or otherwise indicate any interest in the business.

Close Up, in support of Application No. 979, states that prompt, flexible bus service is crucial to the success of its educational programs. Bus service was provided exclusively by Gray Line until late in 1975 when a third program was added to Close Up's schedule. Because Gray Line assertedly could not meet Close Up's equipment needs and also raised its charter prices beyond Close Up's means, the services of Atwood's and D. C. Transit were sought, and these two firms would share Close Up's business.

4/ Applicant's equipment list reflects 26 Eagle coaches.

5/ See Certificate of Public Convenience and Necessity No. 14.

6/ See Certificate of Public Convenience and Necessity No. 10.

7/ See Certificate of Public Convenience and Necessity No. 12.

8/ See Certificate of Public Convenience and Necessity No. 1.

Gray Line filed a protest to Application No. 979 on January 28, 1977. As pertinent, protestant states that it is certificated to perform the service required by Close Up and that it is ready, willing and able to provide such service. Gray Line asserts that it has adequate equipment available and has attached to its protest a copy of its service proposal to Close Up. This offer, dated January 26, 1977, would institute service on January 30, 1977, at prices comparable to those offered by applicant.

By supplemental pleading received February 1, 1977, Gray Line filed a copy of an executed agreement with Close Up "Initially accepted for the period January 30, 1977, through Saturday, February 5, 1977, and if services provided during that period proved to be reasonably adequate and satisfactory the period of the contract will be extended through May, 1977. The foregoing will be void if WMATC grants D. C. Transit certificate of operations for service." An additional supplemental pleading filed February 4, 1977, indicates that this service agreement is extended through February 12, 1977.

In its reply statement, D. C. Transit argues that protestant should have offered its service earlier, but fails to rebut the fact that Gray Line is now ready, willing and able to provide service to Close Up.

The Compact, Title II, Article XII, Section 4(d)(3) mandates that the Commission may, in its discretion and without hearings, grant temporary authority to enable the provision of service (i) for which there is an immediate and urgent need, and (ii) where there is no carrier service capable of meeting such need. That Presidential and Close Up have an immediate need for service is clear. Both chartering parties are hosting hundreds of persons for various seminars, lectures and other functions, and these persons must be transported to and from airports, depots, hotels, government buildings and various other points in the Metropolitan District. It is equally clear that neither Atwood's nor Blue Line can originate service at points in Virginia, an integral feature of the services required by Close Up and Presidential. White House also lacks appropriate operating authority and equipment to meet the chartering parties' needs. Gray Line has declined to bid for a contract with Presidential, but actively seeks to serve Close Up.

Considering the evidence of record as discussed above, the Commission finds that with respect to Application No. 978, D. C. Transit has satisfied its statutory burden of proof and that this application should be granted to the extent set forth below. Gray Line, admittedly, is not interested in serving Presidential, and in light of (a) its recent commitment of equipment to Close Up and (b) its prior inability to provide sufficient equipment for Close Up's requirements, the record does not warrant a conclusion that Gray Line would even be capable of meeting Presidential's equipment requirements. Inasmuch as the authority sought therein is overbroad in comparison

with the evidence of need for service, the extraneous authority shall be denied. Of course, this grant of temporary authority creates no presumption that corresponding permanent authority shall be granted.

With respect to Application No. 979, the Commission finds that this application should be denied. Although Close Up has a need for service, the record shows that protestant Gray Line is now, albeit somewhat belatedly, providing the identical service proposed by D. C. Transit. Accordingly, applicant has failed to satisfy the second criterion of Title II, Article XII, Section 4(d)(3) of the Compact.

THEREFORE, IT IS ORDERED:

1. That Application Nos. 978 and 979 of D. C. Transit System, Inc., to the extent set forth in footnotes 2 and 3 above, be, and they are hereby, dismissed.

2. That Application No. 978 of D. C. Transit System, Inc., be, and it is hereby, granted in part as follows:

IRREGULAR ROUTE:

Charter operations pursuant to a continuing contract with A Presidential Classroom for Young Americans to transport:

(a) Passengers and their baggage, in one-way operations, on Saturdays only, between Marriott Twin Bridges Hotel, U. S. Highway 1, Arlington, Virginia, on the one hand, and, on the other, Union Station, Washington, D. C., and those bus depots located in the Metropolitan District; and

(b) Passengers, in round-trip, non-lectured operations, beginning and ending at Marriott Twin Bridges Hotel, U. S. Highway 1, Arlington, Virginia, and extending to points in the Metropolitan District.

RESTRICTION:

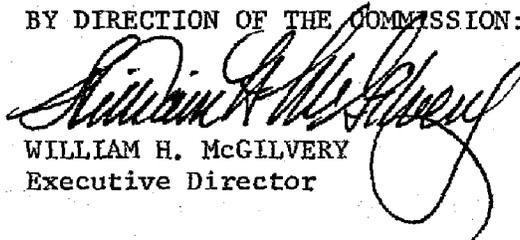
The authority granted in (a) and (b) above is restricted against the transportation of persons between points solely within the Commonwealth of Virginia, and the authority granted in (b) above is further restricted against service on Saturdays.

3. That, except to the extent granted above, Application Nos. 978 and 979 be, and they are hereby, denied.

4. That the authority granted in Application No. 978 shall be effective on the date of service hereof and continue in effect through March 12, 1977, unless otherwise ordered by the Commission.

5. That D. C. Transit System, Inc., be, and it is hereby directed to file a WMATC Temporary Authority Tariff pursuant to the temporary authority granted herein.

BY DIRECTION OF THE COMMISSION:



WILLIAM H. MCGILVERY
Executive Director