

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1867

IN THE MATTER OF:

Served August 1, 1978

Application of WASHINGTON MOTOR)	Case No. AP-78-24
COACH, INC., for Temporary)	
Authority to Perform Charter)	
Operations Pursuant to Contract-)	
U. S. Department of the Navy)	

By application filed July 12, 1978, Washington Motor Coach, Inc., seeks temporary authority to transport passengers between Arlington Annex, Arlington, Va., on the one hand, and, on the other, the Wolfe Building, 8621 Georgia Avenue, Silver Spring, Md., for the Department of the Navy. Applicant proposes to provide seven round-trip shuttles daily between these two points with two 50-passenger buses. The application is opposed by James M. Smith, Inc., (Smith).

In support of the application, the Department of the Navy states that Washington Motor Coach was the second lowest bidder on the proposed contract. The Navy is requesting authority for applicant as a "back-up" to the successful bidder, Smith, in the event that Smith is unable to perform the service. Only two carriers, Gray Line and Atwood's now hold appropriate certificated authority to serve the Navy and they did not respond to an invitation to bid on the contract. However, in Order No. 1861, served July 7, 1978, James M. Smith, Inc., was granted temporary authority to provide the same service proposed herein and was supported by the Department of the Navy as the lowest bidder on the contract.

In its protest, Smith argues that applicant has failed to meet the statutory criteria for temporary authority inasmuch as there is no immediate and urgent need for service because Smith is prepared to provide the Navy with transportation between the Arlington Annex and the Wolfe Building. Washington Motor Coach, Inc., filed a reply to Smith's protest.

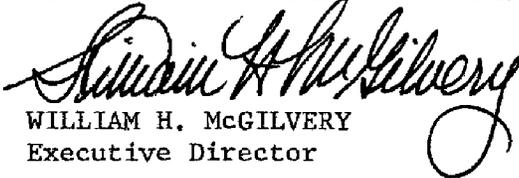
Title II, Article XII, Section 4(d)(3) of the Compact authorizes the Commission to grant temporary authority, in its discretion, where there is an immediate and urgent need for service and no motor carrier capable

of meeting such need. We find that applicant has failed to satisfy either criteria. Support for this application is equivocal at best, and gives no specifics from which a reasonable inference that back-up service is necessary may be drawn. Moreover, there is no showing that Smith will not be able to meet its contractual commitments and provide the service authorized in Order No. 1811. In view of such evidentiary shortcomings, the application should be denied.

THEREFORE, IT IS ORDERED:

That the application of Washington Motor Coach, Inc., for temporary authority in Case No. AP-78-24 is hereby denied.

BY DIRECTION OF THE COMMISSION:


WILLIAM H. MCGILVERY
Executive Director