

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1869

IN THE MATTER OF:

Served August 7, 1978

Application of MUHSIN DAVID KATIB )  
for Certificate to Perform Special )  
Operations )

Case No. AP-78-16

By application filed April 19, 1978, Muhsin David Katib (Katib) seeks a certificate of public convenience and necessity to transport passengers, together with mail, express and baggage in the same vehicle with passengers, in special operations between the International Inn, 10 Thomas Circle, N. W., Washington, D. C., and Washington National Airport, Gravelly Point, Va. Pursuant to Order No. 1836, served April 27, 1978, and incorporated by reference herein, a public hearing on this application was held on June 6, 1978. Greyhound Airport Service, Inc. (Greyhound), appeared in opposition.

Katib, a sole proprietor, has been performing operations as temporarily authorized in Order No. 1844 from the Inn to National Airport since May 18, 1978, operating hourly between 8:15 a.m., and 2:15 p.m., in a 1977 van with a seating capacity of 10 passengers (excluding the driver) at a per-capita fare of \$3 a trip. Although the temporary authority also permitted applicant to transport passengers by prearranged appointment from National Airport to the Inn, he testified that there has been no request for such service.

During the two-week period of temporary operations applicant stated that he accommodated approximately 80 passengers a week and noticed a gradual increase in business. A projected revenue and expense statement was introduced at the hearing based on transporting 100 passengers a week. Gross revenue was estimated to be \$15,600 a year and expenses \$7,800 a year, but no evidence was offered as to how the 100 passenger figure was arrived at, and itemized deductions failed to include federal or local income taxes, unemployment taxes, office costs allocated to the van operation, or depreciation expense.

In support of the application a witness from the International Inn, the chief of security and garage manager, testified that he observed hotel guests having difficulty finding cabs to go to the airport.

Greyhound's witness, its vice president and general manager, explained the company's operations, pursuant to Commission Certificate No. 7, between National Airport, on the one hand, and, on the other, points in the Metropolitan District. Greyhound provides service from the airport to points in Washington, D. C., including the International Inn on a regularly scheduled basis, and from specified Washington, D. C. hotels, not including the Inn, to the airport. He further stated that pickup service at the Inn could be arranged upon request.

After the close of testimony, applicant moved to amend its application by dropping its proposal for service from the airport to the Inn. As a result, Greyhound withdrew its opposition.

The Compact, Title II, Article XII, Section 4(b) provides that a certificate of public convenience and necessity shall be issued by the Commission if it finds ". . . 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."

The Commission finds that applicant has sustained its burden of proof regarding the matter of need for the service. There currently is no convenient regularly scheduled service available from the International Inn to National Airport. Furthermore, operations under temporary authority demonstrate that Katib's service has been well received by those requiring transportation to the airport. The evidence of record shows that applicant has available suitable equipment. As for Katib's financial fitness, the Commission finds that the proposed rate is reasonable and the projected revenue is sufficient to cover both stated and unstated expenses while affording Katib an opportunity to make a reasonable return, even if the projected ridership does not fully materialize.

In light of the record in this proceeding, the Commission finds that the evidence warrants a grant of authority to provide service from the International Inn to National Airport, transporting passengers and their baggage. No need has been shown for the transportation of mail or express.

THEREFORE, IT IS ORDERED:

1. That Muhsin David Katib is hereby granted authority to perform special operations, over irregular routes, transporting passengers and their baggage from the International Inn, 10 Thomas Circle, Washington, D. C., to Washington National Airport, Gravelly Point, Va.

2. That the application, except to the extent granted above, is hereby denied.

3. That the temporary authority granted in Order No. 1844 to Muhsin David Katib shall be cancelled upon the issuance of a certificate herein.

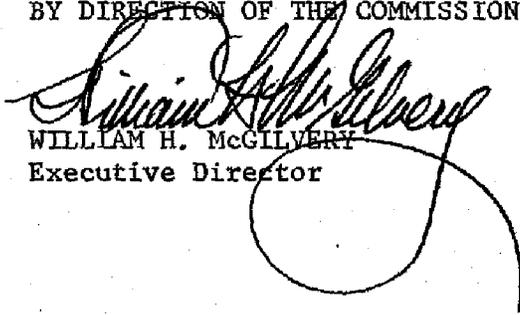
4. That Muhsin David Katib is hereby directed to file two copies of its WMATC Tariff No. 1 in accordance with the authority granted herein, such tariff to be effective upon acceptance by the Executive Director.

5. That Muhsin David Katib is hereby directed to file an affidavit that his vehicle is identified in accordance with Commission Regulation No. 68.

6. That upon compliance by applicant with the directives set forth in 4 and 5 above, an appropriate Certificate of Public Convenience and Necessity No. 54 shall be issued.

7. That unless applicant complies with the directives set forth above within 30 days from the date of service hereof, or within such additional time as may be authorized by the Executive Director, the grant of authority made herein shall be considered as null and void and the application shall stand denied in its entirety effective upon expiration of the said compliance time.

BY DIRECTION OF THE COMMISSION:



WILLIAM H. MCGILVERY  
Executive Director

STRATTON, Chairman, concurs.

This grant of one-way authority raises an obvious question: Why was corresponding authority not granted from the airport to the Inn?

First, this application is opposed by Greyhound, a carrier which already holds a certificate entitling it to provide service between these same two points in both directions. Although it does occasionally provide such service, the main focus of Greyhound's service is between the airport and another hotel at 16th and K Streets, N. W., about two blocks away--an appreciable distance for a rider carrying luggage. Greyhound does not express a willingness or ability to provide service to or from the Inn. Indeed, its tariff could only be construed to include the Inn by reference to "other points".

Second, Katib neither has nor expresses any desire to establish facilities at the airport for providing information to potential passengers, or for laying over vehicles at the airport to accumulate passengers or to accommodate airline arrival schedules. Further, if such operations were

undertaken, Katib would be required to negotiate and enter a contract with, and pay a portion of his revenues to, the Metropolitan Washington Airport Service. Katib has no such contract. Nor has he expressed any desire to secure one. Katib's temporary authority, under which he is now operating, does permit Katib to transport passengers from the airport to the Inn by pre-arranged request. Significantly, Katib testified he has yet to receive the first such request.

Finally, and perhaps even more significantly, Katib and Greyhound have reached an accommodation between themselves which constitutes an amendment to Katib's application: Greyhound withdraws its protest to Katib's operations from the Inn, while Katib withdraws his application for operations from the airport.

Could we grant the corresponding authority? Yes. Would we grant it under the right circumstances? Yes. Why, then have we not done so? Because in this case the applicant has not established a need for it, is not ready to provide it, and has withdrawn his application for it. Nor is there any indication that demand for service from the airport to the Inn materializes in a way that it could be served efficiently.