

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1875

IN THE MATTER OF:

Served September 1, 1978

Application of INTERNATIONAL)
LIMOUSINE SERVICE, INC., to)
Perform Charter Operations)
Pursuant to Contract with)
the Health Care Financing)
Administration - HEW)

Case No. AP-78-22

By application filed June 22, 1978, International Limousine Service Inc. (International), seeks a certificate of public convenience and necessity to transport passengers and their baggage, between the Mary E. Switzer Building, 330 C Street, S. W., Washington, D. C., and the Parklawn Building, 5600 Fishers Lane, Rockville, Md., under a contract with the Health Care Financing Administration (HCFA) of the United States Department of Health, Education and Welfare. Pursuant to Order No. 1858, served June 29, 1978, and incorporated by reference herein, a public hearing on this application was held on July 24, 1978. No party appeared in opposition.

International holds Certificate of Public Convenience and Necessity No. 38, authorizing charter operations pursuant to contract with the U. S. Consumer Product Safety Commission. It has been performing operations for HCFA as temporarily authorized in Order No. 1835, between the buildings noted above as part of a shuttle service also involving the East High Rise Building (SSA Complex), 6401 Security Boulevard, Baltimore, Md. In its entirety the service consists of a loop operation run among the three points in both directions simultaneously. One bus originates at the East High Rise Building, proceeds to the Switzer Building in Washington, D. C., goes on to the Parklawn Building, and returns to the East High Rise Building. At about the same time a second bus starts at the Switzer Building, travels to the East High Rise Building, continues to the Parklawn Building in Rockville, and ends back at the Switzer Building.

Because of the nature of the service there are three regulatory jurisdictions involved: the Maryland Public Service Commission for the Rockville-Baltimore leg, the Interstate Commerce Commission for the Baltimore-Washington, D. C. segment, and this Commission for the service between Washington, D. C. and Rockville. International has submitted evidence that it holds the appropriate complementary authority.

During temporary authority operations International has been providing HCFA four trips a day, one in the morning and one in the afternoon on each loop run, using two 1977 15-passenger vans. International has a standby driver and an additional van which serves as a back-up vehicle. A

projected revenue and expense statement was introduced at the hearing based on a one-year contract with HCFA.

In support of the application a contracting officer from HCFA testified that a Department reorganization involved dispersing the Health Care staff to the three involved office buildings. Thereafter, it was realized that a shuttle system for government employees and those on official government business would facilitate movement of people for meetings in the Washington, D. C. office and for coordination of different programs scattered at all three office locations. Use of an existing Public Health Service bus did not prove adequate for HCFA's purposes. The contract is in effect for one year, and the witness expressed satisfaction with current temporary operations, stating that he expects that the contract would be extended under a one-year option provision provided that there are funds available. The possibility of further reorganization was mentioned by the witness, involving movement of the Rockville employees to Baltimore, but the transfer, should it materialize, would not become fully operational for at least 1-1/2 to 2 years. Additionally, a need to transport inter-office mail in the same vehicle as passengers was brought out at the hearing.

The Compact, Title II, Article XII, §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 service. There are no existing services available for inter-office movement of HCFA employees or those persons on official government business with the Administration. Furthermore, no existing carriers opposed the application and International already holds the necessary corresponding authority from the Interstate Commerce Commission and the Maryland Public Service Commission. Operations under temporary authority demonstrate that applicant's service has proved satisfactory to HCFA. The evidence of record establishes that International has entered into a contract with HCFA, that it has suitable equipment available, and that it is financially fit to conduct the service authorized herein.

In light of the record in this proceeding, the Commission finds that the evidence warrants a grant of authority to transport, in charter operations pursuant to contract, employees of HCFA and persons traveling on official government business between the Mary E. Switzer Building, 330 C Street, S. W., Washington, D. C., and the Parklawn Building, 5600 Fishers Lane, Rockville, Md., under a contract with the Health Care Financing Administration of the United States Department of Health, Education and Welfare. A need has also been shown for the transportation of mail when moving in the same vehicle as passengers.

THEREFORE, IT IS ORDERED:

1. That Case No. AP-78-22 of International Limousine Service, Inc., is hereby granted.

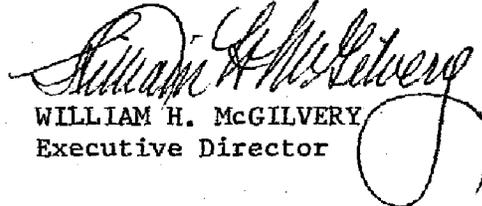
2. That International Limousine Service, Inc., is hereby directed to file two copies of an appropriate WMATC Tariff in accordance with the authority granted herein, within 30 days from the date of service hereof, such tariff to be effective upon acceptance by the Executive Director.

3. That upon timely compliance with the requirement of paragraph 2, an appropriately revised Certificate of Public Convenience and Necessity No. 38, shall be reissued to International Limousine Service, Inc.

4. That the temporary authority granted in Order No. 1835, to International Limousine Service, Inc., shall be cancelled upon the issuance of a revised certificate herein.

5. That in the event International Limousine Service, Inc., fails to comply with the directive set forth above within the said 30 days, or such further time as may be authorized by the Commission, 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

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

NO. 38*

INTERNATIONAL LIMOUSINE SERVICE, INC.

WASHINGTON, D. C.

By Order Nos. 1633 and 1875 of the Washington Metropolitan Area Transit Commission issued December 2, 1976, and September 1, 1978;

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 Nos. 1633 and 1875;

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 thereof 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 granted to the said carrier.

IT IS FURTHER ORDERED that the transportation service to be performed by the said carrier shall be as specified below:

IRREGULAR ROUTES

A. CHARTER OPERATIONS, PURSUANT TO CONTRACT to transport employees of United States Consumer Product Safety Commission:

(1) Between 5401 Westbard Avenue, Bethesda, Maryland, and 1111 - 18th Street, N. W., Washington, D. C.

(2) Between 5401 Westbard Avenue, Bethesda, Maryland, and 1111 - 18th Street, N. W., Washington, D. C., on the one hand, and, on the other, 200 C Street, S. W., Washington, D. C.

B. CHARTER OPERATIONS, PURSUANT TO CONTRACT to transport government employees and persons traveling on official government business:

Between the Mary E. Switzer Building,
330 C Street, S. W., Washington, D. C.,

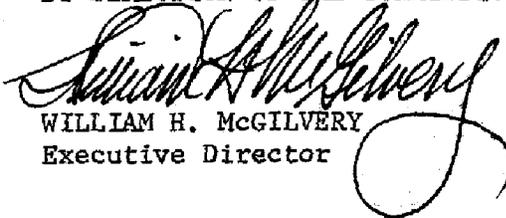
and the Parklawn Building, 5600 Fishers Lane, Rockville, Maryland.

RESTRICTION: The authority granted herein shall not be construed as conferring more than a single operating right.

IT IS FURTHER ORDERED that the operations authorized by parts A and B of this certificate of public convenience and necessity shall be limited to the performance of service pursuant to a continuing contract or contracts between International Limousine Service, Inc., on the one hand, and, on the other, United States Consumer Product Safety Commission, and United States Department of Health, Education and Welfare, Health Care Financing Administration, respectively, provided, however, that written notice must be filed by the carrier with the Commission within five (5) days of any cancellation or termination of any of the aforementioned agreements, and further provided that any change in or amendment to any of the aforementioned agreements 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 any of the aforementioned agreements 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.

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

BY DIRECTION OF THE COMMISSION:


WILLIAM H. MCGILVERY
Executive Director

* This certificate cancels and supercedes Certificate of Public Convenience and Necessity No. 38, issued December 2, 1976, as corrected on December 9, 1976.