

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1958

IN THE MATTER OF:

Served February 7, 1979

Application of CALL-A-MESSENGER,)
INC., for a Certificate to Perform)
Charter Operations Pursuant to)
Contract - United Airlines)

Case No. AP-78-53

By application filed December 7, 1978, Call-A-Messenger, Inc. (CAM), seeks a certificate of public convenience and necessity to perform charter operations pursuant to contract with United Airlines, transporting passengers and their baggage, in the same vehicle with passengers, between Dulles International Airport, Herndon, Va., and Washington National Airport, Gravelly Point, Va., on the one hand, and, on the other, points in the Metropolitan District, restricted to the transportation of crew members of United Airlines consisting of flight officers and flight attendants only. Pursuant to Order No. 1938, served December 12, 1978, and incorporated by reference herein, a public hearing on this application was held on January 24, 1979. No party appeared in opposition.

CAM has been performing operations as temporarily authorized in Order No. 1924, served November 21, 1978. The existing contract between CAM and United Airlines is for a period of two years with provision for premature termination by United upon 30 days' prior written notice and for termination after two years by either party upon 30 days' prior written notice.

The contractual agreement includes service between Baltimore-Washington International Airport (BWI) and Washington, D. C., as well as between BWI and National and Dulles Airports. Inasmuch as the Commission's territorial jurisdiction does not extend to BWI, contractual provisions and rates with respect to that point will not be discussed. The rates to be charged are those now in effect in the temporary authority operations: \$4 per vehicle trip between National Airport and Downtown and \$15.50 per vehicle trip between National Airport and Dulles Airport, and between Dulles Airport and Downtown. It is assumed that Downtown includes both Washington, D. C., and suburban areas as discussed below. Waiting time charges are also included.

CAM is an Arizona corporation with local offices located in Silver Spring, Md. It is presently operating eleven leased 1979 station wagons, expects to add a twelfth wagon shortly, and has two vehicles available from the leasing company as back-up equipment.

In support of the application, the general manager of CAM testified that it is providing about 30 scheduled trips a day for United between the airports and from the airports to downtown hotels and return. Additional service is available 24 hours a day, as needed, for non-scheduled trips resulting from cancelled or diverted flights. The witness sponsored a projected revenue and expense statement based upon the contract and explained the safety and maintenance programs implemented by CAM.

A representative of United Airlines stated that the employment contracts with the flight crews require the airlines to provide transportation between the airports and from and to hotels used for layovers, and that service rendered under temporary authority has been satisfactory, superior to service utilized in the past. With regard to temporary authority operations, there has been no need for service to hotels other than in the District of Columbia, but the witness testified that in unusual situations the downtown hotels might be full, necessitating use of suburban facilities in Maryland or Virginia.

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. Operations under temporary authority demonstrate that CAM's service has been well received by the airline and, furthermore, no existing carriers have opposed the application. The evidence of record establishes that CAM has entered into a contract with United Airlines, that it has suitable equipment available, and that it is financially fit to conduct the service authorized herein. The authority granted will be restricted to service for United Airlines crews, and further limited to transportation between the airports and metropolitan area hotels and motels to reflect the evidence of record. Service between Dulles and National will be restricted to transportation via a route traversing the District of Columbia, inasmuch as the Commission is precluded by the Compact, Title II, Article XII, Section 1(b), from certificating transportation between points solely in the Commonwealth of Virginia.

THEREFORE, IT IS ORDERED:

1. That Call-A-Messenger, Inc., is hereby granted authority to perform charter operations pursuant to contract with United Airlines, transporting passengers and their baggage, in the same vehicle with

passengers, (1) between Dulles International Airport, Herndon, Va., and Washington National Airport, Gravelly Point, Va., on the one hand, and, on the other, hotels and motels in the Metropolitan District, restricted against transportation solely within the Commonwealth of Virginia, and (2) between Dulles International Airport, on the one hand, and, on the other, Washington National Airport, via a route traversing the District of Columbia, restricted in (1) and (2) above to the transportation of crew members of United Airlines, consisting of flight officers and/or flight attendants only.

2. That Call-A-Messenger, Inc., is hereby directed to file two copies of an appropriate WMATC tariff in accordance with the authority granted herein, such tariff to be effective upon acceptance by the Executive Director.

3. That Call-A-Messenger, Inc., is hereby directed to file an affidavit that its vehicles are identified in accordance with Commission Regulation No. 68.

4. That upon compliance by applicant with the directives set forth in 2 and 3 above within 30 days from the date of service of this order, an appropriate certificate of public convenience and necessity shall be issued.

5. That the temporary authority granted in Order No. 1924, served November 21, 1978, to Call-A-Messenger, Inc., shall be cancelled upon issuance of a certificate, without further order of the Commission.

6. That in the event Call-A-Messenger, Inc., fails to comply 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 Commission, the grant of authority made herein shall be considered 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:



GREGORY PAUL BARTH
Acting Executive Director

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