

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 2145

IN THE MATTER OF:

Served September 26, 1980

Application of INTERNATIONAL )  
LIMOUSINE SERVICE, INC., for )  
Temporary Authority to Conduct )  
Charter Operations for NIH )

Case No. AP-80-25

By application filed September 15, 1980, International Limousine Service, Inc. (International), seeks temporary authority to transport passengers and mail, express and baggage, in the same vehicle with passengers, in charter operations pursuant to a contract with the National Institutes of Health (NIH), between the facilities of NIH at Bethesda, Md., and Washington National Airport, Gravelly Point, Va., with an intermediate stop at the United Inn, Bethesda, Md., in a regularly scheduled shuttle service.

Applicant proposes to provide service in a company-owned 1979 van designed to accommodate four seated passengers plus persons traveling in wheelchairs. The vehicle, which is not now in use, is equipped with an hydraulic lift and wheelchair locks. In addition, applicant has available to it two similar vehicles on stand-by order available for delivery on short notice.

In support of the application NIH has tendered a letter of intent to enter into a contract with International if the carrier is able to receive appropriate Commission authorization to operate. NIH states that service is presently being provided by Beltway Limousine Service, Inc., under a contract due to expire September 30, 1980, and that as a result of the impending expiration date, NIH has an urgent need for service commencing October 1, 1980. Among comments listed by NIH in the solicitation of bids is the statement that "[t]he limousine service may have to carry handicap (sic) patients (those individuals utilizing walkers, crutches, wheelchairs, etc.)."

On September 18, 1980, Beltway Limousine Service, Inc., filed a protest to the application essentially stating that it is now performing the transportation service which is the subject matter of this application pursuant to general charter authority contained in its Certificate No. 25. Beltway is willing and able to continue the service, and it further claims that a loss of the contract would be a financial hardship on its operations.

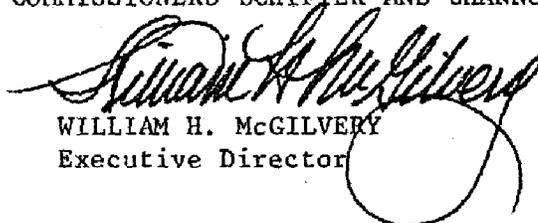
Title II, Article XII, Section 4(d)(3) of the Compact provides that the Commission may grant temporary authority where ". . . there is an immediate and urgent need to a point or points or within a territory having no carrier service capable of meeting such need." The Commission finds that applicant has failed to meet its burden of proof with respect to the lack of available carrier service.

Not only is Beltway capable of providing the sought service, but, in fact, it is the carrier providing service at this time. The strictures of the Compact language pertaining to authorization of temporary authority clearly necessitate denial of this application. Although the contract solicitation contains language suggesting that there may be a need to transport patients confined to wheelchairs and applicant proposes to operate equipment designed to accommodate passengers confined to wheelchairs, there has been no showing either that special equipment is necessary to perform the contract or that protestant Beltway has been or is unable to provide such service.

Moreover, we are mindful that applicant's fitness stands at issue in another case scheduled for public hearing on October 15, 1980. See Order No. 2143, served September 25, 1980. Pending resolution of that issue, a strong showing that needed service would not be provided would be an absolute prerequisite to any grant of temporary authority. Clearly, such circumstances do not exist in this case.

THEREFORE, IT IS ORDERED that the above-captioned application is hereby denied.

BY DIRECTION OF THE COMMISSION, COMMISSIONERS SCHIFTER AND SHANNON:

  
WILLIAM H. MCGILVERY  
Executive Director