

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 2236

IN THE MATTER OF:

Served June 24, 1981

Application of DEL-MAR TRAVEL)
AGENCY for Temporary Authority)
to Conduct Special Operations --)
National Airport)

Case No. AP-81-14

By application filed June 2, 1981, Del-Mar Travel Agency, a limited partnership, seeks temporary authority to transport passengers together with their baggage in the same vehicle, in special operations, from the Del-Mar Travel Agency at 499 South Capitol Street, S. W., Washington, D. C., to Washington National Airport with an intermediate stop at South Capitol and C Streets, S. E., Washington, D. C., in regularly scheduled shuttle service.

Applicant proposes to provide service in a 12-passenger van on an hourly basis between 9 a.m. and 5 p.m. Monday through Friday for a charge of \$5 per passenger.

Applicant states that many of its travel agency clients located at 499 South Capitol Street, S. W., have requested shuttle service to Washington National Airport. In support of the application, Del-Mar has submitted 11 notarized statements from potential users of its service including nine from tenants in the same building where Del-Mar would originate service, one from a client located in a nearby office building and one from a Congressman with offices in the Rayburn House Office Building located near the intermediate stop at South Capitol and C Streets, S. E. Generally affiants state that they travel frequently between their offices and Washington National Airport, that there is a need for a scheduled service to the airport and that ". . . obtaining a taxi is almost impossible."

On June 10, 1981, Airport Limo, Inc., filed a protest to the application asserting that, inasmuch as it provides carrier service from Washington, D. C., to Washington National Airport, applicant's proposed service would siphon off passengers who would otherwise use protestant's service. Pursuant to its contract with the Federal Aviation Administration to serve the airport, Airport Limo states that it is required to offer service seven days a week including scheduled trips at off-peak hours. To remain profitable it is necessary to

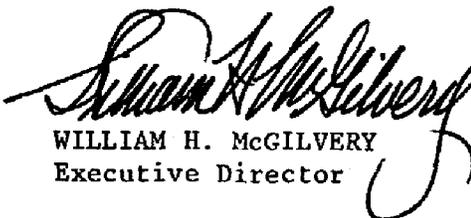
attract passengers from a wide geographic area, according to protestant. 1/

Title II, Article XII, Section 4(d)(3) of the Compact provides that ". . . the Commission may, in its discretion and without hearings or other proceedings, grant temporary authority . . ." to ". . . enable the provision of service for which 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 . . ." Weighing the evidence of this case in light of these criteria, the Commission finds that applicant has failed to establish that such need for service is immediate and urgent in nature.

While the statements in support of the application assert difficulty in obtaining taxi service, there has been no showing of an immediate and urgent need for service. Indeed, the supporting statements are virtually devoid of specifics. Although it is certainly possible that applicant may demonstrate that the public convenience and necessity require the proposed service, 2/ the standards quoted above require a higher level of proof to justify a grant of temporary authority. Airport Limo's opposition to the application does not indicate that the certificated carrier is capable of providing the service sought herein because of the limitations in the scope of special operations service protestant is authorized to offer pursuant to Certificate No. 26.

THEREFORE, IT IS ORDERED that the above-captioned application of Del-Mar Travel Agency is hereby denied.

BY DIRECTION OF THE COMMISSION, COMMISSIONERS CLEMENT, SCHIFTER AND SHANNON:


WILLIAM H. MCGILVERY
Executive Director

1/ Airport Limo's special operations authority between Washington National Airport and the District of Columbia is limited to service at the Capitol Hilton Hotel, the Washington Hilton Hotel and the Sheraton Washington Hotel. See WMATC Certificate of Public Convenience and Necessity No. 26.

2/ A hearing on Del-Mar's application for a certificate in Case No. AP-81-13 is scheduled for July 22, 1981, at 9:30 a.m. Our action herein raises no presumption as to the disposition of that case.