

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 2395

IN THE MATTER OF:

Served February 10, 1983

Application of SHAW ENTERPRISES, )  
INC., T/A UNITED INN OF AMERICA, )  
for Special Authorization to )  
Perform Charter Operations )  
Pursuant to Contract with NIH )

Case No. CP-83-02

By application filed on February 7, 1983, Shaw Enterprises, Inc., trading as United Inn of America (Shaw), seeks authorization to conduct charter operations pursuant to WMATC Special Certificate of Public Convenience and Necessity No. 1 under a contract with the National Institutes of Health (NIH) transporting outpatients of NIH and the Naval Medical Center Hospital and their family companions (parents and guardians) in a shuttle service between NIH, National Naval Medical Center Hospital and the United Inn of America, all points in Bethesda, Md.

The contract, originally entered into November 1981 and subsequently extended, was the underlying authority for WMATC Special Authorization No. SP-41-01 which expired October 31, 1982. By Order No. 2391, served January 12, 1983, Shaw received temporary authority to provide the shuttle service sought herein. The contract between NIH and Shaw, which also includes a full scope of services such as housing, meals, and recreation and laundry facilities, was modified November 1, 1982, and continues through October 31, 1983. The required transportation service consists of 12 scheduled shuttle trips a day between the United Inn of America, NIH and the Naval Medical Center, starting at 7:30 a.m. and ending at 5:55 p.m. Shaw maintains two vehicles capable of providing the service.

Applicant is an experienced transportation provider, specifically familiar with the service sought herein. The carrier states that it is familiar (and will comply) with the terms of the Compact and the Commission's rules, regulations and requirements thereunder. Shaw has not been found unfit by any regulatory agency and is not a respondent in any pending fitness investigation.

The anticipated revenue from the contract regarding transportation is \$40,101 with expenses, including taxes and allocable administrative costs, expected to be \$36,930 for a net income of \$3,171. Shaw has a certificate of insurance on file with the Commission consistent with Commission Regulation No. 62.

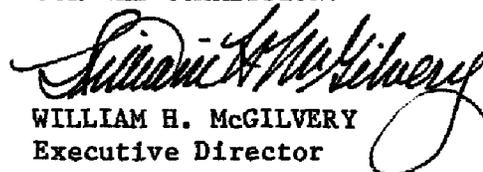
The NIH contracting officer submitted an affidavit stating that outpatients require transportation between the United Inn and the medical facilities. The service in the past has been rendered by applicant herein. Use of the shuttle will vary from trip to trip but is expected to average eight passengers each trip. NIH has investigated Shaw and is satisfied that the carrier has the appropriate capability of performing the required service.

The involved service appears to be transportation of persons (outpatients) traveling on official business with a government agency for a period in excess of 181 days, within the meaning of Commission Regulation No. 70. See Order 2358, served August 16, 1982. Thus, the application appears amenable to processing under that regulation. See Order No. 2004, served June 20, 1979, and effective July 21, 1979. Pursuant to Commission Regulation No. 70-06, notice of this application must be published and opportunity given for the filing of protests. Protests, if any, must be written, sworn and notarized, and must contain all evidence and argument upon which the protestant would rely.

THEREFORE, IT IS ORDERED:

1. That Shaw Enterprises, Inc., publish once, in a newspaper of general circulation in the Metropolitan District, notice of this application in the form prescribed by the staff of the Commission no later than Friday, February 18, 1983.
2. That applicant shall file an affidavit of such publication with the Commission no later than Friday, February 25, 1983.
3. That any person desiring to protest this application shall file a notarized protest in conformance with Commission Regulation No. 70-06 at the office of the Commission, Suite 316, 1625 I Street, N. W., Washington, D. C. 20006, no later than Monday, February 28, 1983, and shall simultaneously serve a copy of such protest on counsel for applicant, Sherman L. Cohn, Esquire, 8815 Tallyho Trail, Potomac, Md. 20854.

FOR THE COMMISSION:

  
WILLIAM H. MCGILVERY  
Executive Director