

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D.C.

ORDER NO. 2642

IN THE MATTER OF:

Served December 24, 1984

Application of TRANSPORTATION )  
CONSULTANTS, INC., for Special )  
Authorization to Conduct Charter )  
Operations Pursuant to Contract )  
with National Institutes of Health )

Case No. CP-84-13

By application filed December 20, 1984, Transportation Consultants, Inc., seeks authorization to conduct charter operations pursuant to WMATC Special Certificate of Public Convenience and Necessity No. 1 under contract with the National Institutes of Health (NIH) transporting passengers travelling on official government business, over irregular routes, between NIH facilities in Bethesda, Md., on the one hand, and, on the other, points in that part of the Metropolitan District within 36 miles of Bethesda, Md.

The contract term is calendar year 1985 with options exercisable by NIH to extend the contract through December 31, 1987. Persons to be transported include patients, outpatients, and their parents or guardians. The services required include transportation on recreational trips (approximately 520 round trips a year) as required. 1/ One 15-passenger van is required, and it must be radio equipped.

Applicant's equipment list includes two 15-passenger vans of 1983 vintage. An acceptable certificate of insurance, effective through December 1, 1985, is on file. Applicant certifies that it is familiar, and will comply, with the terms of the Compact and the Commission's rules, regulations and requirements. Applicant has not been found to be unfit nor is its fitness under investigation by pertinent federal or signatory agencies.

Applicant's balance sheet, dated September 30, 1984, shows current assets of \$229,198, total assets of \$359,714, current liabilities of \$147,077, total liabilities of \$891,404, and a net stockholder's equity of (\$531,690). For the nine months ended

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1/ One of the recreational facilities mentioned is the inner harbor area of Baltimore, Md. That point, of course, is outside the Metropolitan District and will not be further considered herein.

September 30, 1984, applicant had operating revenues of \$1,195,408 and operating expenses of \$1,146,343 for an operating ratio (before income taxes) of .959, and net earnings (including miscellaneous income and interest expenses) of \$38,056.

On the instant contract, applicant projects income of \$41,849.60. Expenses are projected to be \$61,766 including \$2,132 for maintenance, \$47,045 for drivers' wages, \$4,397 for gas and oil, \$3,000 for insurance and \$5,192 for depreciation. Thus, Transportation Consultants expects that operations for NIH in 1985 would increase its retained earnings deficit by \$19,916.40. In fact, the revenue to be derived from this contract would be insufficient to pay wages to applicant's drivers as required by Department of Labor Wage Determination No. 79-219 which is a part of the contract between applicant and NIH. Accordingly, the Commission puts applicant on notice that there exists grave doubt regarding its financial fitness and ability to perform the proposed service.

Ann S. Bryant, a contracting officer for NIH, submitted an affidavit in support of the application. She states that NIH is an agency of the U.S. Department of Health and Human Services, and that the persons to be transported (other than parents or guardians) are participants in ongoing research programs at NIH. The transportation proposed herein has been rendered in the past by government employees. Ms. Bryant estimates that approximately 5,824 people will be transported during calendar year 1985. NIH has investigated applicant's qualifications and is satisfied therewith.

Inasmuch as a contract has been executed for the transportation of persons travelling on official government business pursuant to a contract with a government agency between points within the Metropolitan District for a period in excess of 181 days, the application appears amenable to processing under Commission Regulation No. 70. 2/ Consequently, 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 Transportation Consultants 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 Thursday, December 27, 1984.

2. That applicant shall file an affidavit of such publication with the Commission no later than Wednesday, January 2, 1985.

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2/ See Order No. 2004, served June 20, 1979.

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, January 7, 1985, and shall simultaneously serve a copy of such protest on counsel for applicant, John M. Ballenger, Esquire, 123 South Royal Street, Alexandria, Va. 22314.

FOR THE COMMISSION:

A handwritten signature in black ink, appearing to read "Gregory Paul Barth". The signature is written in a cursive style with a large, sweeping initial 'G'.

GREGORY PAUL BARTH  
Acting Executive Director

