

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D.C.

ORDER NO. 2684

IN THE MATTER OF:

Served March 20, 1985

Application of JBL INTERNATIONAL,)
INC., for Temporary Authority,)
Charter Operations)

Case No. AP-85-11

BACKGROUND

By application filed March 13, 1985, JBL International, Inc. ("JBL" or "applicant"), seeks temporary authority to transport passengers in charter operations, between Washington National Airport, Gravelly Point, Va., and the Crown Plaza Hotel, Rockville, Md., under contract with Dingle Associates, Inc., of Washington, D.C.

Notice of the application was provided by Order No. 2683, served March 13, 1985, and incorporated herein by reference. The said order directed the filing of protests in opposition to the application on or before March 19, 1985. A timely protest was filed by The Airport Connection, Inc. ("TAC" or "protestant").

FACTS

According to the application, JBL proposes to handle a series of movements between Washington National Airport and the Crown Plaza Hotel. The proposed service would be conducted on a schedule calling for four separate trips from the airport to the hotel on March 21, 1985, followed by four trips back to the airport on March 23, 1985. The same type of operation would be run on March 24 and 26, and April 19 and 21. The groups would aggregate approximately 220 passengers. 1/

JBL holds no authority from this Commission, and the application fails to indicate what experience, if any, JBL has in conducting passenger transportation. JBL plans to lease three 15-passenger vans to conduct the operations. In addition to providing drivers, vans, and insurance coverage, applicant also would provide hosts and/or hostesses "to greet incoming groups, expedite pickup of

1/ The application indicates 80 passengers for the March 21 and 23 movements, 80 passengers for the March 24 and 26 movements, and 60-65 passengers for the April 19 and 21 movements.

luggage, if any, and have participants ready for transport." 2/ The application includes a copy of JBL's proposal to Dingle Associates, Inc., to provide the service described above for a total consideration of \$1,677.27.

No statement by Dingle Associates, Inc., is contained in the application. JBL represents, however, that Dingle Associates, Inc., is depending on JBL to provide service and that, absent temporary authorization of JBL, it will be unable to secure adequate transportation. There is no evidence that Dingle Associates has actually accepted JBL's proposal so as to create a legally binding contract, nor is there any evidence of the efforts, if any, Dingle Associates has made to obtain transportation service from existing carriers.

TAC's protest indicates that TAC currently provides regularly scheduled service between Washington National Airport and the Crown Plaza Hotel on a daily basis. In addition, TAC states that it has vans, mini-buses, and motor coaches available for charter operations and, on the days JBL intends to operate, TAC will have substantial amounts of equipment available for service. 3/ We take notice from our records that TAC holds Certificate of Public Convenience and Necessity No. 111, which authorizes, inter alia, the transportation of passengers and their baggage, in special and charter operations, between Washington National Airport, on the one hand, and, on the other, points in the Metropolitan District. TAC's charter authority is restricted to passengers having a prior or subsequent movement by air, but that restriction apparently would not prevent TAC from performing the same transportation service applicant seeks to provide.

TAC objects to JBL's application on the ground that TAC is capable of providing any service that is needed. TAC also argues that JBL has failed to prove the existence of an immediate and urgent need for the proposed service, that JBL is financially and operationally unfit to receive authority, and that JBL has failed to demonstrate adequate insurance coverage.

DISCUSSION AND CONCLUSIONS

Applications for temporary authority are decided under Title II, Article XII, Section 4(d)(3) of the Compact, which provides that:

2/ Application, Appendix B.

3/ Counsel for TAC represents that TAC will have at least ten 11-passenger vans and four coaches available to provide service on the days in question.

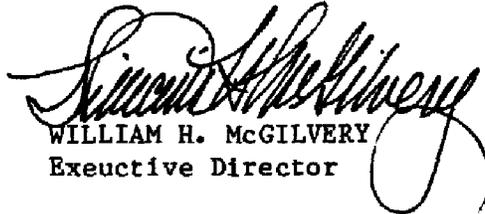
To enable the provision of service for which there is an immediate and urgent need to a point or points or within a territory having no carrier service capable of meeting such need, the Commission may, in its discretion and without hearings or other proceedings, grant temporary authority for such service.

Considering this application in the context of Section 4(d)(3), we conclude that it must be denied. Assuming, without deciding, that there is an "immediate and urgent need" for service within the scope of the application, there is no basis in the evidence on which to find "no carrier service capable of meeting such need."

The record is devoid of any indication that an attempt has been made by Dingle Associates, Inc., to obtain service from existing carriers. It appears that, if Dingle Associates were to contact TAC, the needed transportation service could and would be provided. TAC has appropriate operating authority, familiarity with and experience in operations to and from the involved airport, and an ample amount of equipment with which to serve Dingle Associates. Given these facts, we find that TAC is ready, willing, and able to meet the transportation needs of Dingle Associates and, thus, there is no legally sufficient basis to grant the requested temporary authority. Accordingly, we do not reach the issue of JBL's operational and financial fitness.

THEREFORE, IT IS ORDERED that the application of JBL International, Inc., for temporary authority is hereby denied.

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


WILLIAM H. MCGILVERY
Executive Director

