

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D.C.

ORDER NO. 2786

IN THE MATTER OF:

Served November 7, 1985

Application of CREST LIMOUSINE)
SERVICES CORPORATION for Temporary)
Authority -- Delphi Research)
Association and Meridian House)
International)

Case No. AP-85-31

By application filed October 21, 1985, Crest Limousine Services Corporation seeks temporary authority to transport passengers in charter operations between points in the Metropolitan District for the accounts of Delphi Research Corporation and Meridian House International. 1/

Applicant would provide the proposed service using two 15-passenger vans, one 25-passenger mini-bus, and larger equipment as required. 2/ With its application Crest has submitted two tariffs. One tariff indicates hourly rates of \$28 for one van and \$30 for two vans or one mini-bus. Airport transfer rates of \$45 to National Airport, Gravelly Point, Va., and \$75 to Dulles International Airport, Herndon, Va., would be available when vans are used. A second tariff indicates an hourly rate of \$29 for a 25-passenger mini-bus and \$32 for vehicles seating between 46 and 59 passengers. This tariff includes a one-way transfer rate of \$95 when both points are located within the Capital Beltway and \$125 when one or both points are located outside the Capital Beltway. Maximum daily charges for charter services would be \$185 for the use of the 25-passenger vehicle and \$325 for larger vehicles.

Applicant's statement of immediate and urgent need asserts that "very long and tedious studies in the Washington area" indicate that its services are required because the price of those services is lower than available elsewhere, vehicles are well-equipped, and drivers

1/ This description of applicant's proposed service is derived from Crest's application in its entirety including Exhibit A, map of points to be served, and Exhibits B and E, proposed tariff.

2/ Applicant's Exhibit C, schedule of equipment to be used, indicates that Crest currently owns one 15-passenger van, has a second 15-passenger van on order, and plans to obtain a 25-passenger mini-bus. However, applicant's Exhibit E contains a tariff listing rates for 46 to 59-passenger vehicles.

are accessible. In addition, two letters of support were submitted with the application. Lee A. Zahnow, Director of Administration, Delphi Research Associates ("DRA"), Washington, D.C., attested that applicant offers service of high quality at competitive prices. DRA designs and administers study programs for groups of foreign "VIP's" ranging in size from seven to 30 persons. Ms. Zahnow attests that DRA uses Crest's van service "on a weekly basis a few times per month" and "would be most pleased" if Crest were able to provide bus service in the Washington area. Lynn Pixley, program assistant, Visitor Program Service of Meridian House International ("VPS"), arranges transportation for groups ranging in size from 15 to 25. Ms. Pixley attests that Crest offers service which is prompt, efficient, friendly, and less expensive than its competitors. VPS recently hired Crest to transport 24 persons in two "mini-vans." Ms. Pixley states that it would have been more "convenient" to have used a single vehicle and that VPS will benefit from Crest's "ability to operate with a bus permit."

Title II, Article XII, Section 4(d)(3) of the Compact provides that the Commission may 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" This section of the statute was clearly intended to cover emergencies or special circumstances where preliminary evidence indicated that service was required in less than the time required to process an application for a certificate of public convenience and necessity. The record in this case not only lacks evidence of immediate and urgent need; it contains not even an allegation of immediate and urgent need. Crest's own statement of immediate and urgent need rests on the assertion that its proposed service would be competitively priced. 3/ Affidavits submitted in support of Crest's application also stress the relatively low cost at which Crest provides service of good quality. 4/ Affiants allege no facts from which either immediacy or urgency can be inferred. Moreover, taking official notice of the Commission records we note that over 40 carriers are authorized to provide some type of charter service in the Metropolitan District. Given the absence of the showing required by the Compact, Crest's application must be denied.

3/ The extent to which Crest's rates would be truly competitive is called into question by applicant's filing two conflicting tariffs and failing to specify the service to be provided.

4/ Both affiants appear to be under the impression that Crest has authority to provide van service and by this application seeks to expand that authority to include buses. Because applicant lacks any WMATC authority, affiants' statements regarding use of Crest's services implicate its fitness. Given the grounds on which our decision rests, we do not reach this issue.

THEREFORE, IT IS ORDERED:

1. That the application of Crest Limousine Services Corporation for temporary authority is hereby denied.

2. That Crest Limousine Services Corporation is hereby directed to cease and desist from the for hire transportation of passengers between points in the Metropolitan District in operations subject to the certification requirements of the Compact.

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


WILLIAM H. MCGILVERY
Executive Director

