

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D.C.

ORDER NO. 3128

IN THE MATTER OF:

Served March 2, 1988

Application of AIR COURIERS)
INTERNATIONAL GROUND TRANSPORTATION)
SERVICES, INC., trading as)
PASSENGER EXPRESS for Special)
Authorization to Conduct Charter)
Operations Pursuant to Contract)
with National Institutes of Health)

Case No. CP-88-02

By application filed March 1, 1988, Air Couriers International Ground Transportation Services, Inc., trading as Passenger Express ("applicant"), seeks authority to conduct charter operations pursuant to WMATC Special Certificate of Public Convenience and Necessity No. 1 under contract with the United States Department of Health and Human Services, National Institutes of Health ("NIH"), transporting persons traveling on official government business as described therein, over irregular routes (1) between NIH facilities in Bethesda, Md., on the one hand, and, on the other, Washington National Airport, and (2) 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 initial contract period is April 1, 1988, through March 31, 1989. There are options to renew for four successive 12-month periods.

The Washington National Airport service involves scheduled shuttle operations Monday through Friday, except holidays, and a reduced Sunday schedule. The contract requires the use of three vehicles for this service, each capable of seating eleven passengers. Applicant plans to use 15-passenger vans.

The other service is estimated to average eight trips per day to and from NIH. Applicant will be provided with a schedule for this service one week in advance, but must be able to respond to NIH requirements within 20 minutes of notification. This service requires one vehicle capable of seating eleven passengers; applicant plans to use a 15-passenger van.

Applicant states that the vehicles to be used in providing the proposed service are on order but have not been received. Each vehicle must be equipped with a two-way radio. Applicant is reminded that, in the event this application is granted, applicant will be required, prior to issuance of an authorization, to file an affidavit of identification of vehicles in accordance with Regulation No. 67, for which purposed WMATC No. 55 would be assigned.

Applicant, an Arizona corporation, states that it was formerly "Call-A-Messenger, Inc.," WMATC Carrier No. 55. Exhibit III of the application is an amendment to the articles of incorporation effecting the name change. Applicant further states that an appropriate certificate of insurance is on file with the Commission. However, that certificate has the named insured as Call-A-Messenger, Inc., rather than applicant. In addition, its coverage is limited to certain vehicles, not including those applicant proposes to use in this service. Applicant will be required to file an appropriate certificate of insurance.

Applicant submitted a statement by its General Manager indicating he is familiar with the Compact and the Commission's rules and regulations, that applicant has not been found unfit by any regulatory agency, and that it is not under any fitness investigation.

Applicant's balance sheet as of December 31, 1987, shows current assets of \$128,722 plus net property and equipment of \$400,661. Applicant lists current liabilities of \$129,596, long-term notes payable of \$249,417, and net worth of \$150,370. Applicant projects revenues of \$179,781 from the proposed service, with operating expense of \$162,883, leaving net income of \$16,898.

The contracting officer for NIH submitted an affidavit in support of the application stating that the persons to be transported (other than parents or guardians) are participants in a ongoing research program at NIH. The transportation proposed herein has been rendered in the past by DSR International, Inc., and James M. Smith, Inc. It is estimated that 9,820 persons will be transported by applicant during the initial contract period. NIH has investigated applicant's qualifications and has determined the firm is responsible and has the ability to perform the contract successfully.

Inasmuch as a contract has been executed for the transportation of persons traveling on official government business pursuant to 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. See Order No. 2004, served June 20, 1979. 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 applicant 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 Sunday, March 13, 1988.

2. That applicant shall file with the Commission no later than Wednesday, March 23, 1988, an affidavit of such publication.

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 Wednesday, March 23, 1988, and shall simultaneously serve a copy of such protest on counsel for applicant, John M. Ballenger, Esquire, 125 South Royal Street, Alexandria, Va. 22314.

4. That applicant shall submit to the Commission, no later than Wednesday, March, 23, 1988, (a) an equipment list specifying make, year, model, serial number, seating capacity, and license plate number and jurisdiction for each vehicle to be used in the proposed service, (b) evidence that the vehicles have been registered and licensed in one of the Compact signatory jurisdictions and have passed inspection by that jurisdiction, and (c) a certificate of insurance in accordance with Regulation No. 62.

FOR THE COMMISSION:


William H. McGilvery
Executive Director

