

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 3398

IN THE MATTER OF:

Served August 28, 1989

Application of AIRPORT BAGGAGE )  
CARRIERS, INC., for Special ) Case No. CP-89-03  
Authorization to Perform Charter )  
Operations Pursuant to Contract )  
with CLOSE UP FOUNDATION )

By application filed August 23, 1989, Airport Baggage Carriers, Inc. (ABC or applicant), seeks authorization to conduct charter operations pursuant to WMATC Special Certificate of Public Convenience and Necessity No. 1 under contract with Close Up Foundation (Close Up) transporting employees and youths participating in educational tour programs arranged and conducted by Close Up Foundation, together with baggage in the same vehicle as passengers, in charter operations between points in the Metropolitan District. 1/

The contract between ABC and Close Up, which cannot commence prior to a grant of authority, is based on Close Up's requirements for the period August 1, 1989, through July 31, 1990. ABC is required to provide between four and six 45-passenger vehicles equipped with a public address system and radio 2/ to facilitate communication between Close-Up and ABC. At least one driver must be in possession of a "beeper." Only Eagle Model 10 or MCI-9 motor coaches will be acceptable for use under the contract. Vehicles must be owned by ABC except where otherwise approved in writing by Close Up.

Applicant is a Maryland corporation and has held WMATC Certificate No. 150 since April 1989. Its president certifies that he is familiar with the Compact and the Commission's rules and regulations. Applicant has not been found unfit by any regulatory agency nor is its fitness the subject of any ongoing investigation.

ABC's balance sheet dated April 30, 1989, contains errors in calculation and must be resubmitted. Operating results under the contract are projected at \$125,000 in revenue and \$121,780 in total expenses.

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1/ To the extent this application proposes transportation between points solely within Virginia, it is hereby dismissed pursuant to the Compact, Title II, Article XII, Section 1(b).

2/ Radio communication would not be required on airport transfers.

Mr. David Villani, vice president of finance and administration for Close Up, submitted a notarized statement dated August 16, 1989, which states that Close Up is a non-profit educational entity requiring transport for program participants and its employees. The number of persons carried will vary daily. Mr. Villani investigated the qualifications of ABC and is satisfied that it will be able to perform the proposed service. An appropriate certificate of insurance is on file with the Commission.

Inasmuch as a contract has been executed for transportation of students and teachers by a school for a period in excess of 181 days, the application appears to be amenable to processing under Commission Regulation No. 70. See Order No. 2004, served June 4, 1979. 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.

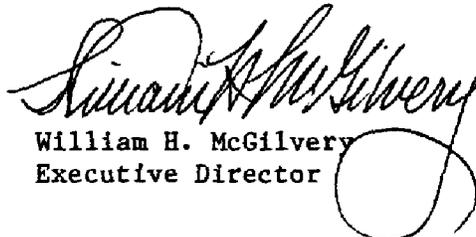
THEREFORE, IT IS ORDERED:

1. That Airport Baggage Carriers, Inc., is hereby directed to 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 Tuesday, September 5, 1989.

2. That Airport Baggage Carriers, Inc., shall file an affidavit of publication of notice and corrected financial data with the Commission no later than Friday, September 15, 1989.

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, 1828 L Street, N.W., Suite 703, Washington, DC 20036, no later than Friday, September 15, 1989, and shall simultaneously serve a copy of such protest on counsel for applicant, Jere W. Glover, Esquire, 1725 K Street, N.W., Suite 308, Washington, DC 20006.

FOR THE COMMISSION:

  
William H. McGilvery  
Executive Director