

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 3522

IN THE MATTER OF:

Served June 22, 1990

Application of DIPLOMAT LIMOUSINE)
AND LIVERY SERVICES, INC., for)
Temporary Authority)

Case No. AP-90-22

By application filed June 1, 1990, Diplomat Limousine and Livery Service, Inc. (Diplomat or applicant), 1/ seeks temporary authority to transport passengers, together with mail, express, and baggage in the same vehicles as passengers, in charter operations between points on the campus of the National Institutes of Health (NIH), Rockville Pike and Cedar Lane; White Flint Metro Station, Rockville Pike and Marinelli Road; and Executive Plaza, 6130/6120 Executive Boulevard, all points in Montgomery County, MD, restricted to transportation for the account of the United States Department of Health and Human Services (DHHS). 2/

Order No. 3511, served June 6, 1990, generally described the evidence submitted with the application, and that order is incorporated herein by reference. Order No. 3511 served as publication of notice and directed that protests, if any, be filed in accordance with Commission Rule No. 14 no later than June 15, 1990. No protests to the application have been received by the Commission.

In a notarized statement DHHS-NIH's representative attests that NIH is required to provide shuttle service between its Bethesda (NIH campus) and Rockville (Executive Plaza) locations. Existing service cannot accommodate NIH's needs due to increased passenger volume in combination with relocation of the NIH Training Center to Executive Plaza. Failure to secure adequate service will result in substantial disruption to government business.

Title II, Article XII, Section 4(d)(3) of the Compact provides that the Commission may, in its discretion, grant an application for temporary authority, without hearings or other proceedings, if it finds that there is an immediate and urgent need for the service proposed by the application and that no other carrier service is capable of meeting that need. Fitness of the applicant is also required. See Application

1/ Articles of Incorporation filed with the Commission June 7, 1990, show applicant's corporate name to be Diplomat Limousine and Livery Service, Inc.

2/ The National Institutes of Health is a part of the United States Department of Health and Human Services.

of Suburban Transit Company for Temporary Authority to Serve the Capital Centre, Order No. 1643, served January 24, 1977; Application of American Coach Lines, Inc., for Declaratory Order or, in the Alternative, Temporary Authority to Conduct Charter Operations Between Points in the Metropolitan District, Order No. 2738, served July 22, 1985. See also Order Nos. 2440, 2448, 2864, and 3221, served July 22, 1983; August 10, 1983; May 23, 1986; and August 23, 1988, respectively.

Inasmuch as no duly authorized carrier protested this application, thereby indicating its ability and willingness to provide the service proposed by applicant, the Commission finds that no other carrier is capable of meeting the need for the proposed service. It is further found, based on the evidence of record as described in Order No. 3511 and this order, that there is an immediate and urgent need for the service described in this application and that applicant is fit to provide that service.

THEREFORE, IT IS ORDERED:

1. That Diplomat Limousine and Livery Service, Inc., is hereby conditionally granted 180 days temporary authority, contingent upon timely compliance with the terms of this order, to transport passengers, together with mail, express, and baggage in the same vehicles as passengers, in charter operations between points on the campus of the National Institutes of Health, Rockville Pike and Cedar Lane; White Flint Metro Station, Rockville Pike and Marinelli Road; and Executive Plaza, 6130/6120 Executive Boulevard, all points in Montgomery County, MD, restricted to transportation for the account of the United States Department of Health and Human Services.

2. That Diplomat Limousine and Livery Service, Inc., is hereby directed, no later than 30 days from the service date of this order to (a) identify its vehicles in accordance with Commission Regulation No. 67-03; (b) file an affidavit of compliance with Commission Regulation No. 67-03; (c) file two copies of its WMATC Temporary Tariff No. AP-90-22; (d) file an equipment list stating make, model, serial number, vehicle number (if any), seating capacity, and license plate number (with jurisdiction) for all vehicles to be used in revenue operations; (e) file evidence of ownership or a lease, as appropriate, for each vehicle to be used in revenue operations; and (f) file a certificate of insurance in conformance with Commission Regulation No. 62 covering all vehicles to be used in revenue operations.

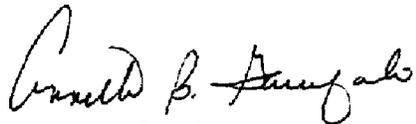
3. That the Executive Director shall notify Diplomat Limousine and Livery Service, Inc., in writing, upon its timely compliance with the requirements of this order, that it may commence operations pursuant to temporary authority.

4. That the temporary authority granted herein shall expire Wednesday, December 19, 1990, unless otherwise ordered by the Commission.

5. That unless Diplomat Limousine and Livery Service, Inc., complies with the requirements of this order within 30 days from date of issuance or such additional time as the Commission may direct or

allow, the grant of authority contained herein shall be void, and this application shall stand denied in its entirety, effective upon the expiration of the said compliance time.

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

A handwritten signature in cursive script, appearing to read "Annette B. Garofalo".

Annette B. Garofalo
Acting Executive Director