

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 3907

IN THE MATTER OF:

Served March 19, 1992

Application of APCOA, INC., for)
Temporary Authority -- Irregular)
Route Operations)

Case No. AP-92-07

By application filed February 21, 1992, APCOA, Inc. (APCOA or applicant), seeks temporary authority to transport passengers in irregular route operations between points in the Metropolitan District.

APCOA proposes to conduct operations using two owned vehicles with a manufacturer-designed seating capacity of 21 passengers each. APCOA proposes to transport patrons of the John F. Kennedy Center for the Performing Arts (Kennedy Center) between the Kennedy Center and a satellite parking facility. This transportation service would be available at no additional fee to those who pay for satellite parking. In return for providing this service, APCOA would receive a flat fee, plus expenses, pursuant to a contract with the Kennedy Center.

Order No. 3892, served February 26, 1992, generally described the evidence submitted with the application, and that order is incorporated herein by reference. Order No. 3892 served as publication of notice and directed that protests, if any, be filed no later than Wednesday, March 11, 1992. No protest was filed.

Title II, Article XI, Section 13 of the Compact provides that the Commission may grant an application for temporary authority, without a hearing or other proceeding, if it finds that there is an immediate need for service that is not available. Fitness of the applicant is also required. See Application 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, willingness, and availability to provide the service proposed by applicant to be performed for the Kennedy Center, the Commission finds that no other carrier is available to meet the need for the proposed service. It is further found, based on the evidence of record, that there is an immediate need for this service and that applicant is fit to provide it.

THEREFORE, IT IS ORDERED:

1. That APCOA, Inc., is hereby conditionally granted a maximum of 180 days temporary authority, contingent upon timely compliance with the terms of this order, to transport passengers in irregular route operations between points in the Metropolitan District for the account of the John F. Kennedy Center for the Performing Arts.

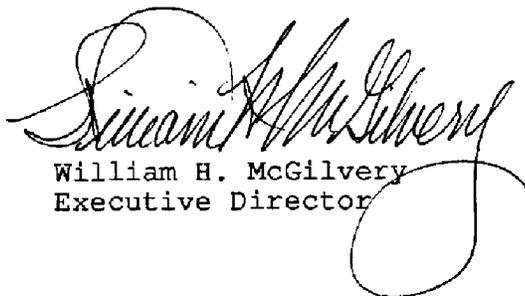
2. That APCOA, Inc., is hereby directed, no later than 30 days from the date of this order, to (a) identify its vehicles in accordance with Commission Regulation No. 61; (b) file an affidavit of compliance with Commission Regulation No. 61; (c) file three copies of its WMATC Temporary Tariff No. AP-92-07, each copy consisting of a complete, fully-executed copy of the account agreement between the John F. Kennedy Center for the Performing Arts and APCOA, Inc.; (d) file an equipment list stating year, 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 for the account of the John F. Kennedy Center for the Performing Arts; (e) file evidence of ownership, and, if any vehicles are owned by an entity other than APCOA, Inc., lease(s), as appropriate, for all vehicles to be used in revenue operations for the account of the John F. Kennedy Center for the Performing Arts; and (f) file a certificate of insurance in conformance with Commission Regulation No. 58 covering all vehicles to be used in revenue operations for the account of the John F. Kennedy Center for the Performing Arts.

3. That the Executive Director shall notify APCOA, 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 Tuesday, September 15, 1992, unless otherwise ordered by the Commission.

5. That unless APCOA, 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 DAVENPORT, SCHIFTER, AND SHANNON:


William H. McGilvery
Executive Director