

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1303

IN THE MATTER OF:

Application of COLUMBIA TRANSPO) Served February 19, 1974
COMPANY, INC., for Temporary)
Authority) Application No. 826

By Application No. 826, dated February 7, 1974, Columbia Transpo Company, Inc. (Columbia) seeks temporary authority pursuant to Title II, Article XII, Section 4 (d)(3) of the Compact, to transport employees and guests of International Business Machines Corporation (IBM) among IBM's facilities in Gaithersburg and Bethesda, Montgomery County, Maryland.

The tariff filed as part of the temporary authority application indicates that Columbia would perform 14 daily trips among three IBM facilities located in Gaithersburg and Bethesda. IBM would pay the following rate to Columbia for the service: (a) \$102.00 per day for vehicle and driver from 8:00 A.M. to 5:00 P.M., (b) \$7.05 per hour for driver for hours in excess of eight (8) hours per day, (c) \$14.10 per hour for driver for hours during Sundays and Holidays, and (d) \$0.15 per mile for vehicle mileage during overtime. Passengers travelling in the vehicle would not be charged for the transportation service. Rather, IBM would pay the amount specified in the tariff.

The threshold issue presented for the Commission's determination is whether the proposed service is subject to the regulatory provisions of the Compact. Title II, Article XII, Section 1(a) states that the Compact "shall apply to the transportation for hire by any carrier of persons between any points in the Metropolitan District and to the persons engaged in rendering or performing such transportation service". (Emphasis added) The Compact lists five exceptions to the grant of jurisdiction and none are applicable to the service proposed by Columbia.

The transportation service to be performed by Columbia is transportation for hire. The service will be rendered for IBM's employees and guests. IBM will pay Columbia for the service pursuant to a contract and according to the rates set forth in Columbia's tariff. The transportation will occur among three facilities of IBM located in Gaithersburg and Bethesda. These facilities are points within the Metropolitan District. Thus, the proposed service is subject to the provisions of the Compact and properly within the regulatory jurisdiction of this Commission.

Under Title II, Article XII, Section 4(d)(3) of the Compact, the Commission must base any decision to grant an applicant temporary authority to provide a specific service upon the finding that there is an immediate and urgent need to a point or points within a territory having no carrier service capable of meeting such need. So finding, the Commission may, in its discretion and without hearings or other proceedings, grant temporary authority.

Columbia alleges in its application that there is an immediate and urgent need for the service because there is a severe gasoline shortage in the Metropolitan District and the proposed service would allow IBM to use less gasoline in its business. In addition, Columbia's application contains a statement that there is no existing carrier service available. Columbia filed as support for its application a letter from IBM, the only person ^{1/} which would use the proposed service. IBM states that it has an immediate and urgent need for the proposed service.

Three inter-related facilities are maintained by IBM in

^{1/} The term "person" means any individual, firm, copartnership, corporation, company, association or joint stock association; and includes any trustee, receiver, assignee, or personal representative thereof. See, Title II, Article XII, Section 2(e).

Gaithersburg and Bethesda. As a result of the interdependence of these facilities, work assignments have necessitated frequent daily movement of personnel among the facilities. IBM alleges that the proposed transportation service to be rendered by Columbia among these facilities is a direct result of the current energy crisis. Prior to the energy crisis, personnel moved between the facilities by personal automobiles. However, the current fuel situation has prompted closer scrutiny by IBM of all energy consuming activities, including the transportation of employees. According to IBM the repetitive movement of employees and others among the three interdependent facilities is suitable for consolidation in larger capacity vehicles such as twelve (12) passenger vehicles. IBM submits that the use of the proposed service would result in a significant increase in passenger miles per gallon and contribute directly to fuel conservation. In addition, IBM contends that no other carriers, known to it, have offered to provide the proposed service, or have all the qualifications required for the performance of the proposed service.

The allegations by Columbia in its temporary authority application that there is an immediate and urgent need for the proposed service and that there is no carrier service capable of meeting such need are supported by the statement of IBM filed as part of the application. The proposed transportation, in groups, of employees and guests of IBM among its facilities in Gaithersburg and Bethesda in 12-passenger vehicles on a regular schedule has been necessitated by the current fuel shortage. The energy crisis has created an environment in which there is an immediate and urgent need for the service as a measure which would reduce fuel consumption. The proposed service of Columbia would adequately and reasonably satisfy the need of IBM to conserve energy by increasing the passenger miles per gallon. Accordingly, the Commission finds that there is an immediate and urgent need for the proposed service to be performed by Columbia and that there is no carrier service capable of meeting this specific need.

THEREFORE, IT IS ORDERED:

1. That Columbia Transpo Company, Inc., be, and it is hereby, granted temporary authority to transport employees

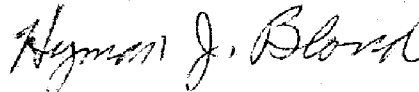
and guests of International Business Machines Corporation over irregular routes among said Corporation's facilities in Gaithersburg and Bethesda, Montgomery County, Maryland.

2. That Columbia Transpo Company, Inc., be, and it is hereby, required to file forthwith an appropriate tariff pursuant to the temporary operating authority granted herein, to be effective February 25, 1974.

3. That Columbia Transpo Company, Inc., be, and it is hereby, required to file forthwith, two copies of its contract to provide the service authorized herein, pursuant to Regulation 56-03.

4. That unless otherwise provided by order of the Commission, the temporary authority granted herein shall become effective Monday, February 25, 1974, and shall remain in effect through Saturday, August 24, 1974.

BY DIRECTION OF THE COMMISSION:



HYMAN J. BLOND
Executive Director