

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1524

IN THE MATTER OF:

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| Application of EXECUTIVE) | Served March 26, 1976 |
| LIMOUSINE SERVICE, INC.,) | |
| to Amend Certificate of) | Application No. 912 |
| Public Convenience and) | |
| Necessity No. 18) | Docket No. 310 |

BY THE COMMISSION:

By Application No. 912, dated January 16, 1976, Executive Limousine Service, Inc. (Executive) seeks to amend its Certificate of Public Convenience and Necessity No. 18. Executive currently is authorized to perform special operations and charter operations pursuant to contracts with several airlines. With respect to this application to amend, Executive seeks to increase its authority to include transportation of passengers, together with their baggage, over irregular routes, in special operations, between Dulles International Airport (Dulles), Chantilly, Virginia, on the one hand, and on the other, the Hyatt Regency Washington, 400 New Jersey Avenue, N. W., Washington, D. C. Executive has filed, as part of the amendment application, a supplement to its WMATC Tariff No. 3.

Pursuant to Order No. 1499, served February 12, 1976, a hearing was held March 2, 1976. No protests were filed to the amendment application. As stated by the Commission in Order No. 1499, the findings to be made, after hearing, with respect to an application to amend a certificate of public convenience and necessity are set forth in Title II, Article XII, Section 4(b) of the Compact. Essentially, the

Commission must make two separate findings. First, the applicant must be "fit, willing and able" to perform the proposed transportation properly and to conform to the provisions of the Compact and the rules, regulations, and requirements thereunder. Second, the proposed transportation "must be or will be required" by the public convenience and necessity. In addition, approval by the Commission of the proposed tariff must be based on a finding that the tariff is just, reasonable, and not unduly preferential or unduly discriminatory either between riders or sections of the Metropolitan District. See Compact, Title II, Article XII, Section 6(a)(2).

Executive would seek to serve the particular needs of persons travelling between Dulles and the Hyatt Regency. Executive currently provides transportation services between Dulles and the Quality Inn - Capitol Hill with an intermediate stop at the L'Enfant Plaza Hotel. These services normally involve the transportation of approximately 50 passengers per week between Dulles and the Quality Inn - Capitol Hill and approximately 100 passengers per week between Dulles and the L'Enfant Plaza Hotel. In that the Hyatt Regency will have a larger occupancy capacity than either of the other hotels, Executive believes that at least 100 passengers per week would use its proposed service.

Executive would integrate its proposed service with its current operations between Dulles and the Quality Inn - Capitol Hill and L'Enfant Plaza Hotel. Executive initially would perform the proposed services only during the late afternoon. As justification for this limitation upon the time of operation, Executive submits that most passengers arrive and depart from Dulles within a two hour period of time in the late afternoon. According to Executive, approximately 90 percent of the planing and deplaning seats are scheduled during that particular time period. Executive would originate its daily operation at the Quality Inn - Capitol Hill and then proceed to the Hyatt Regency and L'Enfant Plaza Hotel prior to travelling

to Dulles. The reverse flow of service then would originate at Dulles and proceed to the L'Enfant Plaza Hotel, Hyatt Regency, and Quality Inn - Capitol Hill.

Executive estimates that approximately 250 passengers per week would travel in its service between Dulles and either the Quality Inn - Capitol Hill, Hyatt Regency, or L'Enfant Plaza Hotel. This estimate would mean that an average of approximately 18 passengers would travel on each trip. Executive proposes to perform the transportation services in vehicles with seating capacity for a maximum of 15 passengers including the driver. Accordingly, in order to adequately satisfy the transportation requirements of passengers, Executive would have additional radio-dispatched equipment available. In addition, Executive anticipates that service originating at one of the hotels or Dulles may result in more passengers than the vehicle capacity. Upon the occasions when this would occur, Executive would originate vehicles at several hotels or it would originate several vehicles from Dulles to different hotels.

The Hyatt Regency supported the application of Executive. The Hyatt Regency is a new hotel in Washington, D. C., with 865 guest rooms. It anticipates an occupancy of approximately 850 daily guests or approximately 75 percent of capacity. The majority of the guests apparently would be attending structured meeting. It is anticipated that the guests would arrive and depart during the late afternoon. The Hyatt Regency estimates that between 100 and 150 guests per week would use the service proposed by Executive.

The Commission believes that the record supports a finding that Executive is fit, willing and able to perform the proposed transportation properly and to conform to the provisions of the Compact and the rules, regulations and requirements of the Commission thereunder. The Commission further believes that the record supports a finding that the public convenience and necessity requires the approval of the amendment application to perform special operations.

The Compact bestows upon the Commission "the power to attach to the issuance of a certificate and to the exercise of rights granted thereunder such reasonable terms and conditions as the public convenience and necessity may require". See Compact, Title II, Article XII, Section 4(b). This grant of power to the Commission is subject to a restriction not herein relevant. The Commission believes that the authority granted to Executive should contain two restrictions. First, Executive proposes to perform only limousine service. Second, as previously indicated herein, Executive performs service in vehicles which accommodate not more than 15 passengers including the driver. The Commission believes that the public interest requires each restriction and the authority granted herein shall be so restricted.

The Compact requires each carrier to "file with the Commission, and keep open to public inspection, tariffs showing (1) all fares it charges for transportation subject to this Act, . . . , and (2) to the extent required by regulations of the Commission, the regulations and practices of such carrier affecting such fares." See Compact, Title II, Article XII, Section 5(a). The Commission shall direct Executive to file such a tariff with respect to the special operations authority granted herein.

Executive has submitted as part of its application a proposed tariff supplement. The supplement incorporates the same rates for service between Dulles and the Hyatt Regency as are currently specified for service between Dulles and the Quality Inn - Capitol Hill, L'Enfant Plaza Hotel, and the Burlington Hotel. The proposed rates would be \$4 for full fare, \$2.50 for airport or airline employee, and \$3 for cancelled, diverted or scrip passenger. The Commission believes that the proposed rate structure is just, reasonable and not unduly preferential or unduly discriminatory either between riders or sections of the Metropolitan District.

The Commission has considered the other matters pressed by the parties but finds they do not warrant action contrary to that which now is directed.

THEREFORE, IT IS ORDERED:

1. That Application No. 912 of Executive Limousine Service, Inc., be, and it is hereby, granted.

2. That Certificate of Public Convenience and Necessity No. 18 issued to Executive Limousine Service, Inc., be, and it is hereby, amended as follows:

SPECIAL OPERATIONS: limited to limousine service

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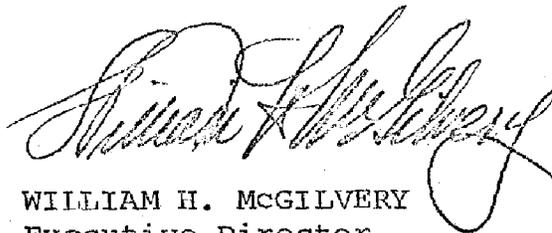
- (2) Between the Dulles International Airport, Chantilly, Virginia, on the one hand, and on the other, the Quality Inn - Capitol Hill, 415 New Jersey Avenue, N. W., Washington, D. C.
- (3) Between the Dulles International Airport, Chantilly, Virginia, on the one hand, and on the other, the L'Enfant Plaza Hotel, 480 L'Enfant Plaza East, S. W., Washington, D. C.
- (4) Between the Dulles International Airport, Chantilly, Virginia, on the one hand, and on the other, the Hyatt Regency Washington, 400 New Jersey Avenue, N. W., Washington, D. C.

RESTRICTED to the performance of such operations in vehicles with seating capacity of fifteen passengers or less, including the driver.

3. That Executive Limousine Service, Inc., be, and it is hereby, directed to file two copies of Supplement No. 1 to WMATC Tariff No. 3 in accordance with the amendment herein

authorized and the authority herein granted, such tariff
to be effective upon acceptance by the Executive Director.

BY DIRECTION OF THE COMMISSION:

A handwritten signature in cursive script, appearing to read "William H. McGilvery". The signature is written in dark ink and is positioned above the printed name and title.

WILLIAM H. MCGILVERY
Executive Director