

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1977

IN THE MATTER OF:

Served April 5, 1979

Application of BELTWAY LIMOUSINE)
SERVICE, INC., for a Certificate)
to Perform Charter Operations)
Pursuant to Contract-United States)
Department of Agriculture)

Case No. AP-78-55

By application filed December 8, 1978, Beltway Limousine Service, Inc. (Beltway), seeks a certificate of public convenience and necessity to transport government employees and other persons traveling on official government business together with mail, express and baggage, in the same vehicle as passengers, between the Federal Building, 6505 Belcrest Road, Hyattsville, Md., and the United States Department of Agriculture (USDA), 12th Street and Independence Avenue, S. W., Washington, D. C., in charter operations pursuant to contract with the USDA, Animal and Plant Health Inspection Service.

By Order No. 1950, served January 8, 1979, the Commission set this proceeding for public hearing, which was subsequently rescheduled for March 13, 1978.^{1/} No protest to the application was filed, and, pursuant to Commission Rule 22-01, applicant filed a request to waive the public hearing and proceed on the evidence of record. Along with its request applicant submitted evidence of the necessary public posting and newspaper publication of its application.^{2/} It had previously supplied appropriate financial data.

Beltway has been performing operations as temporarily authorized in Order No. 1914, served November 6, 1978, and incorporated by reference herein. Service is being performed in two 19-passenger minibuses, at a

^{1/} Order No. 1957, served February 7, 1979, rescheduled the hearing originally set for February 13, 1979.

^{2/} The Commission cancelled the public hearing by Order No. 1969, served March 12, 1979, and incorporated by reference herein.

price of \$240 a day and consists of eight round-trip shuttles between the above-mentioned termini on each government work day.

In support of the application Beltway has included a copy of the existing one-year contract, renewable for one year at the option of the government. USDA states that it has determined that it can be better served by use of a regulated carrier than by government vehicles and drivers as relied on in the past. The contract specifies the use of air-conditioned vehicles with no less than an 18-passenger and no more than a 25-passenger capacity.

The Compact, Title II, Article XII, Section 4(b) provides that a certificate of public convenience and necessity shall be issued by the Commission if it finds ". . . that the applicant is fit, willing and able to perform such transportation properly and to conform to the provisions of this Act and the rules, regulations, and requirements of the Commission thereunder, and that such transportation is or will be required by the public convenience and necessity; otherwise, such application shall be denied."

The Commission finds that applicant has sustained its burden of proof regarding the matter of need for service. Operations performed under temporary authority viewed together with the contract and other evidence of record, demonstrate that Beltway's service has been beneficial to USDA, and there is no evidence to suggest that such utility may diminish in the foreseeable future. Beltway has been providing sufficient suitable equipment, and the applicant is financially and otherwise fit to conduct the service authorized herein. The fact that none of the carriers holding conflicting authority bid on the subject contract, coupled with their failure to protest this application, warrants the finding that they would not be materially adversely affected by a grant of authority to Beltway. Moreover, we note that Beltway already holds charter authority to serve the involved points in vehicles with a seating capacity of 15 passengers or less, and the net effect of a grant of authority herein is to permit the use of different vehicles for the fulfillment of this one contract. The authority granted will be limited to service to be performed in vehicles with a seating capacity of between 18 and 25 passengers in accordance with the evidence of record.

THEREFORE, IT IS ORDERED:

1. That the above-referenced motion by applicant to waive oral hearing and for determination of this matter on the pleadings is hereby granted.
2. That Beltway Limousine Service, Inc., is hereby granted authority to perform charter operations pursuant to contract with the United States Department of Agriculture, transporting government employees and other persons traveling on official government business as authorized by the Department of Agriculture, together with mail, express and baggage in the

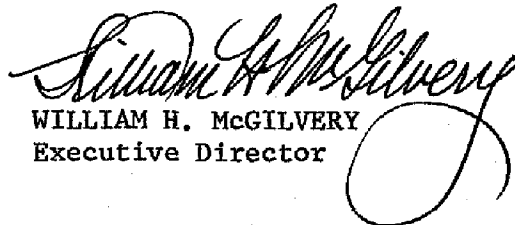
same vehicle as passengers, between the Federal Building, 6505 Belcrest Road, Hyattsville, Md., and the United States Department of Agriculture, 12th Street and Independence Avenue, S. W., Washington, D. C., restricted to transportation performed in vehicles with a seating capacity of between 18 and 25 passengers.

3. That Beltway Limousine Service, Inc., is hereby directed to file two copies of an appropriate WMATC tariff in accordance with the authority granted herein, such tariff to be effective upon acceptance by the Executive Director.

4. That the temporary authority granted in Order No. 1914, served November 6, 1978, to Beltway Limousine Service, Inc., shall be cancelled upon acceptance of the tariff in (3) above and issuance of an appropriately revised Certificate of Public Convenience and Necessity No. 25.

5. That in the event Beltway Limousine Service, Inc., fails to comply with the directive set forth in paragraph 3 above within 30 days from the date of service hereof, or within such additional time as may be authorized by the Commission, the grant of authority made herein shall be considered null and void and the application shall stand denied in its entirety effective upon expiration of the said compliance time.

BY DIRECTION OF THE COMMISSION:


WILLIAM H. MCGILVERY
Executive Director