

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 2137

IN THE MATTER OF:

Served September 15, 1980

Application of CALL-A-MESSENGER,)
INC., for Temporary Authority to)
Conduct Charter Operations Pursuant)
to Contract with Trans World)
Airlines, Inc.)

Case No. AP-80-24

By application filed September 12, 1980, Call-A-Messenger, Inc., seeks temporary authority to engage in charter operations pursuant to a contract with Trans World Airlines, Inc., to transport the flight deck crews of TWA between the points set forth below. The contract, which is for an indefinite period, is to become effective on September 15, 1980, and will continue in effect unless cancelled by either party upon 30 days prior written notice to the other. Although the tariff and contract filed with the application contain rates and contemplate service to points outside the Metropolitan District (such as Baltimore, Md.), that service is beyond the jurisdiction of this Commission and our action here is not to be construed as an approval of such service or rates.

In support of the application, applicant states that the subject service is now being performed by Airport Limo, Inc. The contract between that carrier and TWA has lapsed, however, and Airport Limo submitted a letter stating that it does not oppose this application. In fact, Airport Limo urges expedited consideration of the matter.

Title II, Article XII, Section 4(d)(3) of the Compact authorizes the Commission to grant temporary authority for a period not to exceed 180 days, where there exists an immediate and urgent need for service which no existing carrier is capable of meeting. Such circumstances here exist.

Three other matters require comment. First, we note that applicant proposes to use only small-capacity vehicles to perform this service and our grant of temporary authority will contain an appropriate restriction. Second, a provision of the contract purports to allow the parties to modify the charges for transportation contained in applicant's tariff as the parties may from time to time agree. Applicant is reminded that any such modifications may take effect only with

prior Commission approval. Finally, we note applicant's statement that it intends to file an application pursuant to Commission Regulation No. 70. Accordingly, we remind applicant that that Regulation applies only to contracts with a fixed term of 181 days or more.

THEREFORE, IT IS ORDERED:

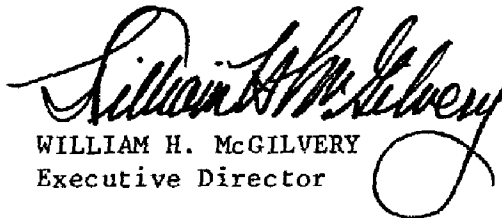
1. That Call-A-Messenger, Inc., is hereby granted temporary authority to transport flight deck crews of Trans World Airlines, Inc., in charter operations pursuant to contract with TWA, (1) between Dulles International Airport, Herndon, Va., and Washington National Airport, Gravelly Point, Va., on the one hand, and, on the other, points in the District of Columbia, (2) between said Dulles International Airport and said Washington National Airport, via a route traversing the District of Columbia, and (3) between Andrews Air Force Base, Md., on the one hand, and, on the other, said Dulles International Airport and Washington National Airport and points in the District of Columbia, all restricted to transportation performed in vehicles with a seating capacity of 15 passengers or less, including the driver.

2. That said temporary authority shall become effective September 15, 1980, and shall continue in effect for a period of 180 days and expire on March 14, 1981, at 11:59 p.m., unless otherwise ordered by the Commission.

3. That the tariff filed with this application is hereby redesignated as applicant's WMATC Temporary Authority Tariff No. 1.

4. That Authorization No. SP-26-08 to operate pursuant to Special Certificate of Public Convenience and Necessity No. 1, authorizing Airport Limo, Inc., to conduct operations coextensive with those authorized herein, is hereby cancelled effective September 15, 1980.

BY DIRECTION OF THE COMMISSION, COMMISSIONERS SCHIFTER AND SHANNON:


WILLIAM H. MCGILVERY
Executive Director