

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 2138

IN THE MATTER OF:

Served September 15, 1980

Application of BELTWAY LIMOUSINE )  
SERVICE, INC., for Temporary )  
Authority to Conduct Charter )  
Operations Pursuant to Contract )  
with Friendship Heights Village )  
Council )

Case No. AP-80-23

By application filed September 3, 1980, Beltway Limousine Service, Inc., seeks temporary authority to transport passengers, in charter operations pursuant to contract with the Friendship Heights Village Council, between points in Friendship Heights and The Hills. These communities constitute a special taxing district located in Montgomery County, Md., for which the Village Council is the governing body.

The contract, which is undated, requires Beltway to operate a shuttle service for Friendship Heights residents each day (Sundays excepted) between 7:00 a.m. and 7:00 p.m. on a loop through the residential and shopping districts of the community for a period of one year, subject to termination upon 30-days notice. The Council is responsible for providing a vehicle, fuel, oil, maintenance and insurance, while Beltway is to provide the driver, management and a back-up vehicle, if necessary. Under the contract, Beltway is an independent contractor and is not an agent, employee or servant of the Council. Beltway is responsible for any personal injury or property damage resulting from negligent operation, and has covenanted to hold the Council harmless from any loss arising from Beltway's negligence.

Ernest H. Bannister, a sole proprietor, has been providing shuttle service to Friendship Heights pursuant to Authorization No. SP-59-01. Mr. Bannister has not protested this application and has advised the staff of the Commission that he is prepared to terminate his service upon approval of this application.

Initially, the Commission finds that the proposed service is subject to the certification requirements of Title II, Article XII, Section 4(a) of the Compact. It is clear from the face of the contract between Friendship Heights and Beltway that, although the former is

providing a vehicle and paying for insurance coverage as part of the compensation for the transportation service, the latter will control and be responsible for the transportation.

We further find that there exists an immediate and urgent need for service which no other carrier is capable of meeting. The Village Council continues to judge the proposed service to be beneficial to its constituents and the only other carrier involved is continuing his contract on a week-to-week basis.

THEREFORE, IT IS ORDERED:

1. That Beltway Limousine Service, Inc., is hereby granted temporary authority to transport residents of the Village of Friendship Heights and The Hills, in charter operations pursuant to contract with the Friendship Heights Village Council, between points in the special taxing district of Friendship Heights, said temporary authority to be effective from September 15, 1980, through February 11, 1981, at 11:59 p.m.

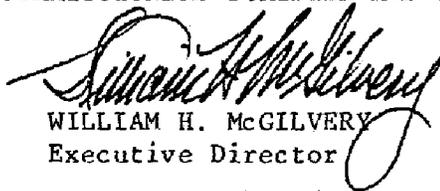
2. That Beltway Limousine Service, Inc., is hereby directed to file two copies each of (a) an appropriate WMATC Temporary Authority Tariff No. 2, (b) an affidavit indicating that the subject vehicle is identified in accordance with Commission Regulation No. 68 and (c) an appropriate certificate of insurance including Beltway Limousine Service, Inc., as a named insured in accordance with Commission Regulation No. 62, all to be filed no later than Friday, September 19, 1980.

3. That unless the directives of the preceding paragraph are complied with within the time established therefor, or such additional time as may be authorized, the grant of temporary authority made herein shall be null and void and the application shall stand denied upon the expiration of the said compliance time.

4. That until such time as the above-mentioned certificate of insurance is accepted for filing, applicant shall use one of its owned vehicles to provide the service for which temporary authority is granted.

4. That Authorization No. SP-59-01 issued to Ernest H. Bannister, Sr., is cancelled simultaneously with the taking effect of the temporary authority granted herein.

BY DIRECTION OF THE COMMISSION, COMMISSIONERS SCHIFTER AND SHANNON:

  
WILLIAM H. MCGILVERY  
Executive Director