

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 2184

IN THE MATTER OF:

Served January 13, 1981

Application of BELTWAY LIMOUSINE )  
SERVICE, INC., for Special )  
Authorization to Perform Charter )  
Operations Pursuant to Contract -- )  
Friendship Heights Village Council )

Case No. CP-81-01

By application filed January 7, 1981, Beltway Limousine Service, Inc. (Beltway), seeks authority to operate pursuant to WMATC Special Certificate of Public Convenience and Necessity No. 1 under a contract with the Friendship Heights Village Council transporting Friendship Heights residents 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. Inasmuch as the application proposes the irregular-route transportation of a qualifying association pursuant to a contract between the association and applicant, it appears amenable to processing under Commission Regulation No. 70.\*/

The contract between the Village Council and Beltway calls for a scheduled shuttle service Mondays through Saturdays for a period of one year to move on a loop through the residential and shopping districts of the community. The Village Council will be 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 Village Council. Beltway is responsible for any personal injury or property damage

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\*/ See Order No. 2004, adopting Regulation No. 70, served June 20, 1979, and effective July 21, 1979.

resulting from negligent operation, and has covenanted to hold the Village Council harmless from any loss arising from Beltway's negligence. The Village Council would pay \$800 a week for the service. Service is presently being provided by Beltway pursuant to temporary authority issued in Order No. 2138, served September 15, 1980.

Applicant's balance sheet dated June 30, 1980, shows current assets of \$278,105, total assets of \$361,245 and liabilities of \$248,803. Beltway did not provide projections of expenses and revenues as called for in the application, but will be directed to supplement the application accordingly. With respect to operational feasibility, Beltway states that it is providing the same service under temporary authority, thus there is no added effect on its other operations and no need for it to use its own equipment.

Beltway has not provided the information required in paragraphs 8, 12 and 13 of the application regarding equipment, applicant's fitness and support from the contracting party, instead stating that the information is on file with the Commission. In each special certificate application an applicant must present a current list of its revenue equipment as well as financial data. As noted above, Beltway did not provide a statement of projected revenue and expenses in connection with this operation. Furthermore, Beltway must affirmatively give evidence of its fitness and must supply a notarized statement from the contracting party describing the contracting party, the persons to be transported, the past method of service and the type of service to be rendered.

Pursuant to Commission Regulation No. 70-06, notice of this application must be published and opportunity given for the filing of protests. Protests, if any, must be written, sworn and notarized, and must contain all evidence and argument upon which the protestant would rely.

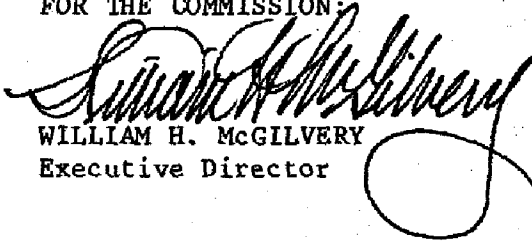
THEREFORE, IT IS ORDERED:

1. That Beltway Limousine Service, Inc., publish once, in a newspaper of general circulation in the Metropolitan District, notice of this application in the form prescribed by the staff of the Commission no later than Friday, January 16, 1981.

2. That applicant file with the Commission an affidavit of such publication together with supplemental material concerning the projected revenue and expense statement, list of revenue vehicles, fitness statement and statement from the contracting party as required by paragraphs 7, 8, 12 and 13 of the special certificate application form, respectively, no later than January 21, 1981.

3. That any person desiring to protest this application shall file a notarized protest in conformance with Commission Regulation No. 70-06 at the office of the Commission, Suite 316, 1625 I Street, N. W., Washington, D. C. 20006, no later than Monday, January 26, 1981, and shall simultaneously serve a copy of such protest on applicant's president, John D. Robertson, 12051 Tech Road, Silver Spring, Md. 20904.

FOR THE COMMISSION:



WILLIAM H. MCGILVERY  
Executive Director

