

BEFORE THE
WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 508

IN THE MATTER OF:

Served July 30, 1965

Applications of WMA Transit)
Company to Change Route "D",)
Establish Route "W", and Aban-)
don and Extend Portions of)
Route "S".)

Applications Nos. 315 and 316

Docket No. 84

APPEARANCES:

STANLEY KAMEROW, Attorney for WMA Transit Company,
applicant.

GORDON PHILLIPS, Attorney for D. C. Transit System,
Inc., protestant.

WMA Transit Company (WMA), filed an application (No. 315), to change its Route "D" and establish Route "W". Later it filed an application (No. 316), to abandon a portion of, and also to extend a portion of, its Route "S". The proposals are as follows:

Route "D"- Westbound

Leave bus stand at rear of Hecht Company, Marlow Heights, Maryland; north on St. Clair Drive; thence southeast and northeast on Shopping Center Service Road; southeast on Branch Avenue; southwest on St. Barnabas Road; west on Oxon Hill Road; northwest on Livingston Road; east on Birchwood Drive; thence over existing route to 11th Street, N.W.

Route "D" - Eastbound

Follow existing route to intersection of Oxon Hill Road and Livingston Road; thence east on Oxon Hill Road; northeast on St. Barnabas Road; northwest on 28th Avenue; north on St. Clair Drive to bus stand at rear of Hecht Company, Marlow Heights, Maryland.

Route "W" - Westbound

Leave bus shelter at Heather Hill Apartments, Prince Georges County, via service road; thence southwest on Fisher Road; west on Brinkley Road; north on Glen Rock Drive; west and south on Chestnut Street; west on Brinkley Road; west on Oxon Hill Road; southeast on Livingston Road; west on Wentworth Drive; north on Haven Avenue; west on Shelby Drive; south on Leyte Drive; east on Lindsay Road; southwest on Livingston Road; north on Indian Head Highway; east on Livingston Road; north on Livingston Terrace; east on Marcy Avenue; north on Deal Drive; east on Kennebec Street; north on 4th Avenue; west on Irvington Street; southwest and west on Audrey Lane; north on Indian Head Highway; north on South Capitol Street; northwest on Canal Street; north on 1st Street, S.W., and N.W.; northwest on Pennsylvania Avenue, N.W.; north on 11th Street, N.W. to bus stand south of E Street, N.W.

Route "W" - Eastbound

Leave bus stand south of E Street, N.W.; north on 11th Street, N.W.; thence east on E Street, N.W.; south on 3rd Street, N.W.; east on Adams Drive; south on 2nd Street, S.W.; southeast on Canal Street; south on South Capitol Street; south on Indian Head Highway; east and northeast on Audrey Lane; east on Irvington Street; south on 4th Avenue; west on Kennebec Street; south on Deal Drive; west on Marcy Avenue; south on Livingston Terrace; west on Livingston Road; south on Indian Head Highway; northeast on Livingston Road; west on Lindsay Road; north on Leyte Drive; east on Shelby Drive; south on Haven Avenue; east on Wentworth Drive; northwest on Livingston Road; east on Oxon Hill Road; east on Brinkley Road; north on Chestnut Street; south on Glen Rock Drive; east on Brinkley Road; northeast on Fisher Road; northwest on service road to bus shelter on Heather Hill Apartments.

Route "S" - Westbound

Leave front of Cafritz Memorial Hospital, southwest on Southern Avenue; thence east on Oakcrest Drive to Southview Apartments; west on Oakcrest Drive; southwest on Southern Avenue to intersection of South Capitol Street and Southern Avenue.

Route "S" - Eastbound

Leave intersection of South Capitol Street and Southern Avenue; northeast on Southern Avenue; thence east on Oakcrest Drive to Southview Apartments; west on Oakcrest Drive; northeast on Southern Avenue to Cafritz Memorial Hospital.

RESTRICTION: The performance of the transportation on Route "S" is restricted to preclude the transportation of passengers whose transportation is solely within the District of Columbia.

As the issues in the two applications are interrelated, they were consolidated, and heard on April 15, 1965, before an examiner.

A protest to that portion of Application No. 316, seeking extension of service to the Cafritz Hospital along Southern Avenue was made by D. C. Transit System, Inc. (Transit), which also appeared and adduced testimony. The file contains a letter of protest to the proposed cessation of operation over Oneida Way, presently part of the "S" Route.

Basically, WMA operates a main route from downtown Washington south on South Capitol Street to the D.C. - Maryland boundary. Shortly after crossing into Maryland, the main route ("D"), turns east for approximately one-half mile into the area of Glass Manor, then turns south and generally parallels Indian Head Highway (which is the extended portion of South Capitol Street) for a distance of approximately two miles. There it turns around and returns.

Another route ("S"), intersects the main line at D.C. - Maryland line, extending east along Southern Avenue (D.C.), for approximately one and one-half miles, then turning into Maryland to the community of Southview; it extends south along Indian Head Highway; looping in and out of West Forest Heights, for approximately three miles to the intersection of Kirby Hill Road, where it loops to the right, over Oxon Hill Road back to Indian Head Highway.

The applicant proposes to discontinue service over the West Forest Heights loop and the Oxon Hill Road. This shall be discussed in detail later herein.

Applicant proposes to originate a new route, "W", serving the areas of Heather Hill, Rosecroft Gardens, and Livingston Road, south to the Kirby Hill Road intersection, thence over the Indian Head Highway north to and through Glass Manor, thence into the District of Columbia, over existing routes. Present route "D" would be revised to turn east at Riverside Plaza and extend new service into the areas of Dennis Grove and Marlow Heights via St. Barnabas Road.

Route "S" would terminate, on the west, at the intersection of Southern Avenue and South Capitol Street, and would be extended on the east, to the Cafritz Hospital, via Southern Avenue. It is this eastern extension to which protestant, D. C. Transit objects.

As noted, one letter of objection to the Forest Heights abandonment was received, and no objections to the Oxon Hill Road abandonment were raised.

The applicant submitted testimony that a traffic check indicated that in Forest Heights nine passengers used the service westbound on thirteen scheduled trips. An eastbound check showed only two passengers utilized a total of twelve trips. A check on April 5, 1965, indicated only thirteen passengers, in both areas, in the morning rush hours rode six buses. The applicant presented testimony that further reveals that service to these two areas is presently operated only in the rush hours, and applicant advances the claim that more efficient service will be rendered under its proposals, in that the new "W" line will provide non-rush hour as well as rush hour service and that the service will be through and direct service to the District of Columbia.

Protestant D. C. Transit objects to the eastward extension of "S" line over Southern Avenue to the Cafritz Memorial Hospital. Transit advances the argument that this service is entirely within the District of Columbia and that its Congressional Franchise prohibits this Commission from authorizing any other carrier to provide intra-District of Columbia transportation unless Transit has been afforded the opportunity to serve the area and until the Commission finds such service is inadequate. It further contends that the applicant failed to prove a public need for the extension of its Route "S".

The Commission is of the opinion and finds that the proposed abandonment of service over the West Forest Heights loop and the Oxon Hill Road loop is in the public interest and should be granted. Patronage is so slight that further rendition of service is not warranted.

The Commission is of the opinion that applicant's evidence has proven a need for the new and revised service as proposed to be operated by the new "W" line and the revised "D" line. The Commission finds that such transportation is and will be required by the public convenience and necessity.

There remains for consideration the proposed eastward extension of the "S" line over Southern Avenue to the Cafritz Hospital. Part of the present "S" route now operates over Southern Avenue between South Capitol Street and Oakcrest Drive, under a "closed-door" restriction. Passengers outbound to Oakcrest Drive must board at applicant's last stop in Maryland, located only a matter of feet from the Maryland-District boundary. In the reverse direction, all passengers board in Maryland and may discharge either at 6th and Southern, within the District of Columbia, or at the Maryland stop on South Capitol Street. Under the proposal, there would be no intra-District of Columbia service as passengers boarding at the Hospital could only discharge at the Maryland South Capitol Street stop. Thus, Transit's argument -- its franchise and/or certificate -- is inapplicable for the reason that there will not be any intra-District of Columbia transportation.

Transit further contends that there is no need for the service because the Hospital is not yet operational. We cannot, of course, close our eyes to the immediate future. The Hospital is a tangible thing, well under construction, and scheduled for operation in the immediate future. Section 4(b) of the Compact requires us to consider whether "...such transportation is or will be required by the public convenience and necessity...." (emphasis added). Therefore, Transit's argument cannot prevail.

Transit further contends that the Commission may not grant the Hospital extension for the reason that Section 4(e) of the Compact prohibits the issuance of additional service over the route of another carrier unless and until the Commission finds the existing service to be inadequate and gives the carrier providing that service reasonable time and opportunity to remedy the inadequacy, and that such inadequacy cannot be found to exist as there is no present service being rendered; and that Transit has, in this proceeding, committed itself to apply for and render service to the Hospital.

Two salient questions must be answered. What service is Transit providing along the proposed route? Can it provide the proposed service?

Transit presently operates service over South Capitol Street to Southern Avenue, thence over Southern Avenue one block to Sixth Street; thence it departs Southern Avenue and goes into Washington Highlands, an area within the District of Columbia. No other service is rendered by

Transit on Southern Avenue. However, Transit does have the authority in its Certificate of Public Convenience and Necessity No. 5 to operate regular route service between points in the District of Columbia, so that it could extend its service from Sixth Street over Southern Avenue to the Hospital.

Passengers originating in Maryland would be required to transfer from WMA buses to Transit's service at the junction of South Capitol Street and Southern Avenue. While WMA-Maryland patrons, should the application be granted, would have to transfer also, the fare would be less than if required to interline with Transit.

Transit is not authorized to serve the area of Maryland involved in this proceeding, so that in order to provide a non-transfer trip it would have to seek an amendment to its certificate.

Because of the restrictions requested by applicant and already in applicant's certificate (Section (A) page 1), there would not be any intra-District of Columbia transportation performed. Therefore, the Congressional Franchise and Transit's Certificate of Public Convenience and Necessity do not come into force and effect. As previously noted, Transit's only service on Southern Avenue is for one block. It does not operate over the remainder of Southern Avenue. The proposed service would be neither duplicative nor competitive with Transit's present "route", i.e., the one block service. Any future service instituted by Transit for intra-District of Columbia passengers would satisfy service requirements for District residents. But what of those people located in Maryland desiring transportation?

Obviously, they must rely on service from either WMA or Transit. Will the public convenience and necessity be served by operations whereby Maryland people embark at their Maryland points of origin and travel to Southern Avenue by WMA service, then transfer to Transit, with the attendant extra fare? The ideal service would, naturally, provide direct facilities from origin to destination. This is not contemplated even by the applicant, at least by this application. Yet, applicant does propose a solution, preferable to Transit's proposal, by proffering the transfer service from a junction of several of applicant's main routes to the Hospital. The unfortunate fact exists that Transit, even if it provides service to the Hospital, will be unable to provide adequate transportation for Maryland passengers to the Hospital to serve the public convenience and necessity.

Transit also urges that applicant has failed to meet its burden of proving a need for service to the Hospital, inasmuch as there were no public witnesses to testify as to their need for service to the Hospital. Normally, this is true. There are, however, a few exceptions because of

the particularly unusual type of establishments. A hospital falls into this classification. Except for employees, hospitals do not attract steady users of bus service. Patients spend a relatively short time in a hospital. No one anticipates that his friends or relatives will be hospitalized. And if they are or have been, it is most unusual to anticipate a return visit. This usage is very similar to that of the household goods area in property transportation, where it is almost impossible to develop a need based on testimony of personal need. Here, it was developed that the hospital lies on the boundary of a large residential area. That the residents will use the hospital is not open to argument. It is a near impossibility to develop which of those people will use it.

The Commission is, therefore, of the opinion and finds that the public convenience and necessity requires the proposed transportation, as restricted.

The Commission is of the further opinion that the applicant is fit, willing and able to provide such transportation properly and to conform to the provisions of the law and rules and regulations promulgated thereunder.

THEREFORE, IT IS ORDERED:

1. That the application of WMA Transit Company for authority to perform the transportation hereinabove described be, and it is hereby, granted.
2. That Certificate of Public Convenience and Necessity No. 8 be, and it is hereby, amended by incorporating Revised Pages 2, 3, 5 and 6, as attached hereto, and made a part hereof.
3. That this Order become effective Friday, July 30, 1965.

BY DIRECTION OF THE COMMISSION:



DELMER ISON
Executive Director

- No. 2 From junction of Hawthorne Street and 73rd Avenue, over 73rd Avenue, Maryland Route 202, Hospital Drive to Prince Georges Hospital and return over the same route.
- No. 3 From junction of Maryland Route 202 and McGruder Avenue, over McGruder Avenue, Old Landover Road, Warner Avenue, Parkwood Street, Randolph Street, Fairwood Road, Thornton Drive, Barton Road, Shepherd Street to Radiant Valley and return over the same route.
- No. 4 From junction of Maryland Routes 214 and 492, over Maryland Route 492 to Seat Pleasant and return over the same route.
- No. 5 From Washington, D. C. over city streets to Southern Avenue, thence over Maryland Route 4, Shadyside Avenue, Maryland Routes 218, 458, Gateway Boulevard, 74th Avenue, Elmhurst Street, Rochelle Avenue, Atwood Street, Addison Street, District Heights Parkway, Breton Drive, Gateway Boulevard, Mason Street, 80th Avenue, Martha Street, 81st Avenue to North Forestville and return over the same route.
- No. 6 From junction of Marion Street and 80th Avenue, over Marion Street, Boones Lane, Business Maryland Route 4, Donnell Drive to Penn-Mar Shopping Center and return over the same route.
- No. 7 From Washington, D. C. over city streets to Southern Avenue, thence over Maryland Route 5, Curtis Drive, 28th Parkway, 27th Avenue, Berkley Street, 24th Avenue, Iverson Street, 23rd Parkway, Kenton Place, St. Clair Drive, 28th Avenue, Maryland Routes 414, 5, Manchester Drive, Maryland Routes 381, 337, Tucker Road, Bock Road, Hempstead Drive, Holiday Avenue, Capri Drive to Oaklawn and return over the same route.
- No. 8 From junction of Maryland Route 337 and Tucker Road, over Maryland Route 337, Old Fort Drive, Old Fort Road to Friendly and return over the same route.
- *No. 9 From Washington, D. C. over city streets to Southern Avenue, thence over Maryland Route 210, Audrey Lane, Irvington Street, 4th Avenue, Kennebec Street, Deal Drive, Marcy Avenue, Livingston Terrace, Livingston Road Birchwood Drive, Fenwood Avenue, Belmont Drive, Galloway Drive, Birchwood Drive, Livingston Road, Oxon Hill Road, St. Barnabas Road, 28th Avenue, St. Clair Drive to bus stand at rear of Hecht Company and return over same route.

- No. 10 From junction of Livingston Road and Maryland Route 414, over Maryland Route 414 to Marlow Heights and return over the same route.
- No. 11 From Washington, D. C. over city streets to Suitland Parkway, thence over Suitland Parkway to Suitland and Andrews Air Force Base and return over the same route.
- No. 12 From Washington, D. C. over city streets to Southern Avenue, thence over Maryland Routes 4, 416, 260, 261 to North Beach and return over the same route.
- No. 13 From Washington, D. C. over city streets to Southern Avenue, thence over Business Maryland 4, 57th Avenue, Maryland Route 214 to Beverley Beach and return over the same route.
- No. 14 From junction of Maryland Routes 260 and 261, over Maryland Route 261 to Breezy Point, and return over the same route.
- No. 15 From junction of Maryland Routes 416 and 260, over Maryland Route 416 and Maryland Route 2 to Solomons and return over the same route.
- No. 16 From junction of Maryland Routes 416 and 258, over Maryland Routes 258, 256, 468 to Shadyside and return over the same route.
- No. 17 From junction of Maryland Routes 2 and 214, over Maryland Routes 2, 665 to Sparrows Beach and Carr's Beach and return over the same route.
- No. 18 From North Beach over Maryland Route 261 to Friendship and return over the same route.
- No. 19 From Washington, D. C. over city streets to Southern Avenue, thence over Maryland Route 4, Shadyside Avenue, Maryland Routes 218, 458, 414, 5, Colebrooke Drive, 26th Avenue, 25th Avenue, Iverson Street, 23rd Parkway, Kenton Place, St. Clair Drive, 28th Avenue, Maryland Route 414, Beaumont Street, Dallas Place, Dallas Drive,

- No. 27 From junction of Auth Road and Maryland Route 337, over Maryland Route 337 to Camp Springs and return over the same route.
- No. 28 From Washington, D. C. over city streets to Eastern Avenue, thence over Maryland Route 201, Calvert Road, Edmonston Road, Springhill Drive, Edmonston Road, Maryland Route 193, South Way, Crescent Drive, Hillside Road, Laurel Hill Road, Ridge Road, South Way, Maryland Route 193 to Goddard Space Flight Center and return over the same route.
- No. 29 From junction of Maryland Route 193 and Edmonston Road over Maryland Route 193 to Beltway Plaza Shopping Center and return over the same route.
- No. 30 From Washington, D. C. over city streets to Southern Avenue, thence over Maryland Routes 5, 414, Brinkley Road, Rosecroft Drive to Rosecroft Raceway and return over the same route.
- No. 31 From Washington, D. C. over city streets to Southern Avenue, thence over Maryland Route 210, Livingston Road, Maryland Route 414, Brinkley Road, Rosecroft Drive to Rosecroft Raceway and return over the same route.
- No. 32 From Washington, D. C. over city streets to Southern Avenue, thence over Maryland Route 4, Water Street to Marlboro Race Track and return over the same route.
- No. 33 From junction of Eastern Avenue and Maryland Route 704, over Maryland Route 704, Addison-Chapel Road, Sheriff Road, Maryland Route 704, Glenarden Parkway, Hayes Street, Cawker Avenue, Glenarden Parkway, Maryland Route 704, Whitfield-Chapel Road, Volta Street, Varnum Street to Carsondale and return over the same route.
- No. 34 From junction of Addison-Chapel Road and Sheriff Road over Addison-Chapel Road, Eastern Avenue to Kenilworth Avenue and return over the same route.
- *No. 35 From junction of Southern Avenue and South Capitol Street, over Southern Avenue and Oakcrest Drive to Southview Apartments, thence over Oakcrest Drive and Southern Avenue to Cafritz Memorial Hospital and return over the same route.

- *No. 36 From Washington, D. C., over city streets to South Capitol Street, thence over Indian Head Highway, Audrey Lane, Irvington Street, 4th Street, Kennebec Street, Deal Drive, Marcy Avenue, Livingston Terrace, Livingston Road, Indian Head Highway, Livingston Road, Lindsay Road, Leyte Drive, Shelby Drive, Haven Avenue, Wentworth Drive, Livingston Road, Oxon Hill Road, Brinkley Road, Chestnut Street, Glen Rock Drive, Brinkley Road, Fisher Road and service road to bus stand at Heather Hill Apartments and return over the same route.
- No. 37 From Washington, D. C., over city streets to Southern Avenue, thence over Branch Avenue, Colebrooke Drive, 26th Avenue, 25th Avenue, Iverson Street, 23rd Parkway, Kenton Place, St. Clair Drive, 28th Avenue, St. Barnabas Road, Beaumont Street, Dallas Place to Dallas Drive, and return over the same route.
- No. 38 From junction of Eastern Avenue and Bladensburg Road, over Maryland Route 450, Maryland Route 564, Highview-Bowie Road, Maryland Route 450, Moylan Drive, Millstream Drive, Stonybrook Drive, Saga Lane, Superior Lane, Stonehaven Lane, Stafford Lane, Belair Drive, Kenhill Drive, Kembridge Drive, Belair Drive, Buckingham Drive, Stonybrook Drive, Superior Lane to Belair Shopping Center and return over the same route.
- No. 39 From junction of Eastern Avenue and Bladensburg Road, over Maryland Route 450, Moylan Drive, Millstream Drive, Stonybrook Drive, Saga Lane, Superior Lane, Stonehaven Lane, Stafford Lane, Belair Drive, Kenhill Drive, Kembridge Drive, Belair Drive, Buckingham Drive, Stonybrook Drive, Superior Lane to Belair Shopping Center and return over the same route.
- No. 40 From junction of Eastern Avenue and Bladensburg Road, over Maryland Route 450, Riverdale Road, Lamont Street, Quentin Street, Lamont Place to Lamont Street and return over the same route.

(B) Between points within the District of Columbia west of the Anacostia River and points within the District of Columbia, serving all intermediate points, as follows:

- (1) Along Pennsylvania Avenue, S.E., east of Anacostia River to Southern Avenue.
- (2) Along 38th Street, S.E., from Pennsylvania Avenue, S.E., to Suitland Road, S.E.
- (3) Along Suitland Road, S.E., from 38th Street, S.E., to Southern Avenue.
- (4) Along Southern Avenue from Branch Avenue to Benning Road, S.E.
- (5) Along Alabama Avenue, S.E., from 38th Street, S.E., to Bowen Road, S.E.
- (6) Along Bowen Road, S.E., from Alabama Avenue, S.E., to Southern Avenue.
- (7) Along Benning Road, S.E., from Southern Avenue to Hanna Place, S.E.
- (8) Along Hanna Place, S.E., from Benning Road, S.E., to H Street, S.E.