

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 813

IN THE MATTER OF:

Served May 2, 1968

Application of D. C. Transit)
System, Inc., to Amend Certi-)
ficate of Public Convenience)
and Necessity to Extend Route)
82.)

Application No. 458

Docket No. 159

This matter comes before us on reconsideration. By application filed October 9, 1967, D. C. Transit System, Inc., applicant, seeks authority to extend its Route 82 and to add an additional fare zone. At the hearing, the applicant appeared and presented its case, asserting that it is ready, willing, and able to institute the proposed extension. The application is supported by the Seven Springs Village Apartments. It appeared from the evidence adduced that applicant's Route 82 presently proceeds generally out U. S. Highway No. 1 and Rhode Island Avenue to its terminal at the intersection of Rhode Island Avenue and Edgewood Road in Hollywood, Maryland. Under the extension, the Route 82 would proceed westerly on Edgewood and Cherry Hill Roads across U. S. Highway No. 1 to a new terminal located in the Seven Springs Apartment development. The Route 82 presently consists of four zones, the end of the fourth being the terminal at Hollywood. The extension runs perpendicularly at almost a 90 degree angle proceeding in a westerly direction and will add 1.158 additional one-way miles to the fourth zone.

By Order No. 759, served December 1, 1967, the Commission granted authority for the extension but denied applicant's fare zone request. Subsequently, applicant filed an application for reconsideration stating three grounds of error:

- (1) The Commission erred in issuing Order 759 after Transit had on November 29, 1967, notified the Commission of its withdrawal of Application No. 458;
- (2)

The Commission erred in ordering Transit to institute service on December 3, 1967, after earlier having caused Transit to take such action which makes it impossible to comply with such order; (3) The Commission erred in finding that the extended service should remain within the fourth fare zone of Transit's fare structure.

Applicant's allegation of error No. 2 became moot on December 14, 1967, when the Commission by Order No. 765 granted the application for reconsideration and ordered further hearing. Moreover, Order No. 765 reaffirmed the Commission's decision that applicant's notification of withdrawal was procedurally deficient and also moved sua sponte to order the proposed extension, public convenience and necessity having been demonstrated in the initial proceeding. Consequently, rehearing was confined to the issue of the additional zone -- i.e., applicant's allegation of error No. 3. The Commission staff appeared herein in opposition to applicant's request. It is this issue that we now consider.

Initially, applicant contends that it requested the additional fare zone in Application 458 due to the purported excessive length of the fourth and final zone on the Route 82. By exhibit, applicant points out that it has 217 Maryland fare zones, which average 2.066 miles in length, and that of all these zones there are only three instances in which the distance of an individual zone is greater than four miles. The Route 82's fourth zone is 3.18 miles and the extension would add 1.158 additional one-way miles, thus creating a zone of 4.338 miles. In addition, continues applicant, the fourth zone is disproportionate in length to the route's other zones: Zone 1, 1.419 miles; Zone 2, 1.528 miles; Zone 3, 2.818 miles.

The applicant referred to its former Route 84 for comparison purposes. This service was operated between Hollywood (terminus of Zone 4 on the Route 82) and Hillandale by way of Rhode Island Avenue and Powder Mill Road. The first zone on the Route 84 Line started at Hollywood and extended out Rhode Island and Powder Mill to Cedar Lane. This is a distance of 2.431 miles. This Route 84 consisted of two additional zones before terminating at Hillandale.

By various exhibits, applicant has shown existing fare zones on other Maryland lines. Applicant's conception of a fare zone system is not one of rigid uniformity nor one wherein fare zones are necessarily equalized in any geographical area. Applicant points to existing variations of zone structure on many of its routes operating between the same points of travel. Applicant contends that zones should be established generally according to the distance travelled, with slight modifications due to the density of population, among other things. More to the point, applicant's contention is that any attempt to establish fare zone boundaries, inclusive of a specified geographical area, which would place all lines operating through that area in the same fare zone is unreasonable. A fan zone system¹ of concentric zones radiating from the Maryland-D. C. Line, according to applicant, does not provide for cross-county zones; hence, inequities result. The extension proposed herein is basically a cross-county extension, applicant asserts.

Furthermore, applicant states that the zone structure of other transit companies operating in the Metropolitan Area is reflective of its position taken herein. By exhibit, applicant has shown several of the lines operated by WMA Transit Company and the fare zones pertinent to those lines. That exhibit depicts two somewhat standardized radial zones through which four lines traverse. The point made by Transit in this exhibit is that all of the lines with the exception of Line D operate in only three zones. Line D, on the other hand, qualifies for four zones: the first two being radial zones; the latter two being cross-county zones, due to the extensive mileage traversed in a cross-county manner after going radially through the first two radial zones.

In support of the additional zone charge, applicant relies heavily on the cost that it will incur in providing the extension. It states that its annual out-of-pocket costs, including operators' wages at \$3.495 per hour and mileage costs at 13.8¢

¹ Fan Zone System: By this term we mean a rather uniform system of roughly equal strips, i.e., zones, running one atop the other in a layer fashion.

per mile, total \$18,352. This, according to applicant, will constitute its minimum cost. The extension will, moreover, necessitate the addition of one driver and one vehicle during the P.M. weekday rush-hour operation. In order to meet this expense, applicant contends it will need 36,704 annual new riders paying the proposed fare at 50¢ and riding the full number of intrastate zones or it will need 26,500 annual new riders paying the proposed 70¢ fare riding interstate. On the other hand, to maintain the four zone charge as the staff proposes and still meet its out-of-pocket costs, applicant would need 40,782 new riders using all zones in Maryland as intra-Maryland riders; if all new riders were interstate local passengers, the company would need 28,157 new riders. Hence, in this situation, the company would need 4,078 and 1,657 additional riders, respectively.

Mr. Theodore Pikulsky, property manager of the Seven Springs Apartment development, who requested applicant to make this extension and who supported the application at the prior hearing, testified in support of the additional fare zone. This witness stated that he had talked to numerous residents in the apartment area and that their feeling was that the additional zone charge was not unreasonable.

Mr. Charles W. Overhouse, Chief Engineer of the Commission, testified that in his opinion the extension should be within the fourth zone. In support thereof, this witness stated that the Route 82 is essentially a route which travels along U. S. Highway No. 1, that is, Rhode Island Avenue and the Washington-Baltimore Boulevard. When Route 82 reaches Greenbelt Road, it proceeds east of U. S. Highway No. 1 approximately 3,000 feet. On the other hand, Seven Springs Village Apartment complex lies approximately 2,800 feet to the west of U. S. Highway No. 1. Consequently, Mr. Overhouse urged that residents 2,800 feet to the west of U. S. Highway No. 1 should not be required to pay a five zone charge while residents residing 3,000 feet to the east pay a four zone charge. In other words, as Mr. Overhouse indicated, every passenger situated anywhere within a certain specified zone should be entitled to the same fare. No person should be subjected to an additional charge because he must utilize a longer and more circuitous route. Possibly, the witness

asserted, the applicant's proposal could result in the company's experiencing less revenue from the extension of service than could be realized otherwise. It is foreseeable that inequities resulting from an additional zone charge could create disadvantageous ramifications in which the company would not generate the passengers it would under an equitable zone system.

Mr. Overhouse presented a comparison of round trip mileage of various routes. The present round trip Maryland miles on the Route 82 are 13.5. This route has four zones. On the other hand, Route K-6 has a round trip Maryland mileage of 13.63 and has only three fare zones; Route A-7 has a total round trip Maryland mileage of 18.69 and has four fare zones. He concluded that, in determining fare zones, mileage should not be the sole factor. To the contrary, a salient factor is a consideration as to where a person is being transported rather than how he is being transported.

It was the opinion of this witness that an interstate bus, so far as interstate passengers were concerned, should qualify only for radial zones under a fan zone system and at no time qualify for "cross-county zones."

DISCUSSION AND CONCLUSION

In our opinion, the ordered extension most appropriately falls within an additional fare zone. We are of the opinion that there should exist concentric fare zones for radial interstate lines, that is, basically Washington-to-suburban interstate service. It is only equitable that a person should not have to pay a higher fare to a particular area because the route which he utilizes happens to be circuitous while another individual riding a more direct route pays a lesser fare for a more direct service. However, where an interstate route takes a drastic deviation so that its operation takes on more the character of a cross-county run than a suburban-Washington interstate service, this bus could qualify for an additional fare zone. Only in such a case is this so. We do not feel that minor or moderate deviations can qualify for an additional fare zone. What we are holding is this: interstate buses can qualify only for concentric zone charges

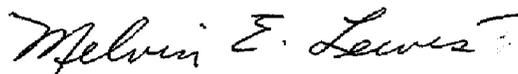
unless the operation changes and takes on the complexion of a cross-county run. This is particularly true where the deviation occurs in the middle of an existing zone. Here, however, the extension occurs at the very end of a substantially lengthy zone. We recognize that this particular extension lies on the borderline of the criteria we have discussed for matters of this kind. However, this extension will not generate any significant patronage along the route between the present terminal and the apartment complex at the end of the extension. Thus, the service is clearly designed to meet the needs of a particular segment of the public. In such cases, we feel we must insure the compensatory nature of the service. Since the source of patronage to be generated appears to be limited to the apartment complex, we find that the fare proposed by the applicant should be approved. Accordingly, our prior order should be modified only in this aspect; in all other respects it should be affirmed.

THEREFORE, IT IS ORDERED:

1. That Order No. 759 be, and it is hereby, modified to grant applicant's request to establish a fare zone to include the transportation authorized therein.

2. That in all other respects, Order No. 759 be, and it is hereby, affirmed.

BY DIRECTION OF THE COMMISSION:



MELVIN E. LEWIS
Executive Director