

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 977

IN THE MATTER OF:

Served September 22, 1969

Application of D. C. Transit)
System, Inc., For Authority)
to Amend Certificate No. 5)
to Extend Route J-4.)

Application No. 580)
Docket No. 205)

Commission Order No. 972 was issued on August 29, 1969, in response to Application No. 580. It granted D. C. Transit System, Inc., authority to amend its Certificate of Public Convenience and Necessity No. 5 permanently to change the route of its J-4 line to include service over Grubb Road, Terrace Drive, Freyman Drive and Meadowbrook Lane in Silver Spring, Maryland, which had been in operation since March 3, 1969, under temporary authority granted in Commission Order No. 929.

Edwin Hyman, President of a private swim club located on the extended portion of the route, has appealed to the Commission to reconsider and suspend Order No. 972. The Commission does not believe his petition raises any new issues and we do not find that his arguments carry sufficient weight to support suspension of Order No. 972, and for the reasons stated below, deny his petition.

Hyman claims in his appeal that the cost to the company of the additional service may be as much as \$1.50/mile, but the transcript of the public hearing held on the matter August 25, 1969, which appellant attended, contains uncontroverted testimony that the cost to the company would be less than \$.17/mile. Further, he now disputes uncontroverted testimony as to the number of buses that will proceed each day over the portion of Route J-4 in question. It would appear that a misreading of Transit's schedule caused this allegation to be made. The schedule indicates that approximately one bus in each direction passes over this extension every hour.

Hyman also contends that the routing of the bus from East-West Highway along the route approved by the Commission in Order No. 972 discriminates against people south of East-West Highway. No one living south of East-West Highway has taken this position. Furthermore, Route L8 still operates on East-West Highway to serve those patrons.

The Commission finding that the extended portion of the route has received "substantial patronage" is also questioned. Passenger checks taken by the company show a weekday average of 56 persons using the portion of the route in question here, and an average Saturday usage by 78 persons. Considering the level of usage in light of the length of the portion of the route involved, we believe that our determination of substantial patronage was correct.

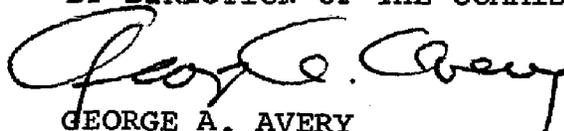
Another issue raised by the request for reconsideration is that more weight should have been given to the "Master Plan for the Lyttonsville-Rosemary Hills Area" dated August 20, 1958. In reaffirming our previous order, we note that no official indication has been forthcoming as to the intent of the Planning Commission in adopting that plan as that intent might bear on the issues here involved.

In response to Hyman's post-hearing letter, the Commission staff was contacted by staff personnel of the Maryland-National Capital Park and Planning Commission at Mr. Hyman's instigation, but they indicated that the Planning Commission was not prepared to take a position in the matter. Thus, the Commission is unable to accept the claim that this action is contrary to the wishes of local public officials.

Finally, we dismiss as frivolous the argument that buses should be kept off of Grubb Road because they are a safety hazard to people driving to the swim club over Grubb Road; and the insinuations that the Commission's action was not an honest attempt to act in the public interest.

THEREFORE, IT IS ORDERED that the application of Edwin Hyman for reconsideration and suspension of Order No. 972 be, and it is hereby, denied.

BY DIRECTION OF THE COMMISSION:


GEORGE A. AVERY
Chairman