

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1528

IN THE MATTER OF:

Served March 31, 1976

Application of SUBURBAN TRANSIT)
 COMPANY for Certificate of Public)
 Convenience and Necessity to)
 Perform Contract Operations)

Application No. 931

Docket No. 321

By Application No. 931, filed March 30, 1976, Suburban Transit Company (Suburban) seeks a certificate of public convenience and necessity pursuant to Title II, Article XII, Section 4(b) of the Compact, to perform contract operations. Suburban seeks authority to transport government employees, together with mail, express, and baggage in the same vehicle with passengers, between the Parklawn Building, Rockville, Maryland, and the HEW North Building, Washington, D. C.

The transportation service to be performed would be provided pursuant to a contract between the Department of Health, Education and Welfare and Suburban. The contract is for a one-year period commencing April 1, 1976, and terminating March 31, 1977. The service would be provided on a daily basis except Saturdays, Sundays, and holidays. The contract sets forth the following schedule for the proposed shuttle service.

SOUTHBOUND

	<u>Points</u>		<u>Times</u>	
Lv.	Parklawn, 5600 Fishers Lane	8:30AM	12:30PM	4:00PM
Lv.	Rockwall Building, 11400 Rockville Pike	8:35AM	12:35PM	4:05PM
Lv.	Clinical Center, NIH, Building 10	8:40AM	12:40PM	4:10PM
Lv.	Westwood Towers, 5401 Westbard Avenue, Bethesda	8:50AM	12:50PM	4:20PM
Lv.	Westwood Building, 5333 Westbard Avenue, Bethesda	8:51AM	12:51PM	4:21PM
Lv.	Ward Circle	9:00AM	1:00PM	4:30PM
Lv.	21st and Virginia Avenue, N. W.	9:20AM	1:20PM	4:50PM
Arr.	HEW	9:30AM	1:30PM	5:00PM

NORTHBOUND

	<u>Points</u>		<u>Times</u>	
Lv.	HEW, 4th and C Streets, S. W.	8:30AM	12:30PM	4:00PM
Lv.	21st and Virginia Avenue, N. W.	8:38AM	12:38PM	4:08PM
Lv.	Ward Circle	8:50AM	12:50PM	4:20PM

NORTHBOUND (continued)

	<u>Points</u>	<u>Times</u>		
Lv.	Westwood Building, 5333 Westbard Avenue, Bethesda	8:59AM	12:59PM	4:29PM
Lv.	Westwood Towers, 5401 Westbard Avenue, Bethesda	9:00AM	1:00PM	4:30PM
Lv.	Clinical Center, NIH, Building 10	9:15AM	1:15PM	4:45PM
Lv.	Rockwall Building, 11400 Rockville Pike	9:23AM	1:23PM	4:53PM
Arr.	Parklawn, 5600 Fishers Lane	9:30AM	1:30PM	5:00PM

Suburban would be paid \$282 per day for 252 days of service. The contract provides that the daily amount would be reduced by 60 cents per passenger trip for the transportation of government employees travelling on non-government business. Only these passengers would be required under the contract to pay per capita fares.

Title II, Article XII, Section 4(b) of the Compact provides as follows:

When an application is made under this section for a certificate, . . . , the Commission shall issue a certificate to any qualified applicant therefor, . . . , if it finds, after hearing held upon reasonable notice, that the applicant is fit, willing and able to perform such transportation properly and to conform to the provisions of this Act and the rules, regulations, and requirements of the Commission thereunder, and that such transportation is or will be required by the public convenience and necessity; otherwise such application shall be denied. (Emphasis added.)

Pursuant to this mandate, the Commission shall schedule a public hearing to develop an appropriate record. Suburban shall be assessed an amount preliminarily estimated to be sufficient to cover the expenses which the Compact, Title II, Article XII, Section 19(a) requires the carrier to bear.

The Commission shall require Suburban to submit and be prepared to support with competent witnesses the following exhibits:

- (A) A detailed balance sheet of Suburban as of December 31, 1975.
- (B) A detailed income statement of Suburban for a period ended December 31, 1975.
- (C) A statement projecting revenues and revenue deductions, allocated between the contract with Health, Education and Welfare and other operations, for a one-year period, together with supporting details.

Suburban shall be directed to file six (6) copies of the exhibits required hereinbefore with the Commission and serve one copy on each party of record on or before Monday, April 26, 1976. Suburban shall be prepared to present evidence that public convenience and necessity require the proposed service.

As part of the application for permanent authority, Suburban states that there is an immediate and urgent need for the proposed service. Suburban also states that the contract with Health, Education and Welfare was signed on March 29, 1976, and that the contract service is scheduled to commence on April 1, 1976.

The Commission may, in its discretion and without hearing or other proceedings, authorize a carrier to provide a service for which there is an immediate and urgent need to a point or points or within a territory having no carrier service capable of meeting such need. See Compact, Title II, Article XII, Section 4(d)(3). The Commission believes that Suburban should be granted temporary authority pending a decision on the application for a certificate of public convenience and necessity. The Commission also believes that government employees have an immediate and urgent need for transportation between the Parklawn Building, Rockville, Maryland, and the HEW North Building, Washington, D. C. Of course, the grant of temporary authority creates no presumption that corresponding permanent authority will be granted.

THEREFORE, IT IS ORDERED:

1. That Application No. 931 of Suburban Transit Company be, and it is hereby, scheduled for public hearing to commence Monday, May 3, 1976, at 9:30 A. M., in the Hearing Room of the Commission, Room 314, 1625 I Street, N. W., Washington, D. C. 20006.

2. That Suburban Transit Company publish in a newspaper of general circulation in the Metropolitan District and post in each of its vehicles notice of the application and hearing in the form prescribed by the staff of the Commission no later than Wednesday, April 7, 1976, and present at the hearing a certificate of publication from the selected newspaper.

3. That six (6) copies, the original to be submitted at the hearing, of the exhibits required hereinbefore be filed by Suburban Transit Company with the Commission and one copy served on each party of record on or before Monday, April 26, 1976.

4. That any person desiring to protest shall file a protest or any person desiring to be heard on this matter shall notify the Commission, in writing, on or before Wednesday, April 21, 1976, and shall mail a copy of such protest or such notice to Posie James Preston, Jr., 1778 Lang Place, N. E., Washington, D. C. 20002.

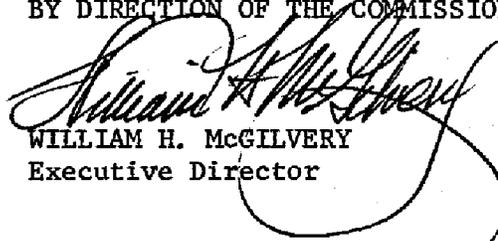
5. That Suburban Transit Company be, and it is hereby, granted temporary authority to transport government employees, together with mail, express, and baggage in the same vehicle with passengers, between the Parklawn Building, Rockville, Maryland, and the HEW North Building, Washington, D. C., pursuant to contract with the Department of Health, Education and Welfare.

6. That unless otherwise provided by order of the Commission the temporary authority granted herein shall become effective Thursday, April 1, 1976, and shall remain in effect through Monday, September 27, 1976.

7. That Suburban Transit Company be, and it is hereby, required to file an appropriate tariff supplement pursuant to the temporary operating authority granted herein, to be effective April 1, 1976.

8. That Suburban Transit Company be, and it is hereby, assessed \$200 pursuant to the provisions of the Compact, Title II, Article XII, Section 19, and directed to deliver said amount to the office of the Commission, Room 316, 1625 I Street, N. W., Washington, D. C. 20006, on or before Wednesday, April 28, 1976.

BY DIRECTION OF THE COMMISSION:



WILLIAM H. MCGILVERY
Executive Director