

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1576

IN THE MATTER OF:

Application of BILL'S BUS SERVICE )	Served June 30, 1976
for Temporary Authority to Perform )	
Special Operations )	Application No. 897
)	
Application of BILL'S BUS SERVICE )	Application No. 898
for Certificate of Public )	
Convenience and Necessity to )	Docket No. 333
Perform Special Operations )	

By Application No. 897, filed December 18, 1975, as supplemented, Bill's Bus Service (Bill's Bus) seeks temporary authority, pursuant to the the provisions of the Compact, Title II, Article XII, Section 4(d)(3), to transport passengers and their baggage, over regular routes, at per capita fares, between Pomonkey, Md., and the Naval Research Laboratory, Washington, D. C. By Application No. 898, also filed December 18, 1975 and supplemented, Bill's Bus seeks a certificate of public convenience and necessity, pursuant to the provisions of the Compact, Title II, Article XII, Section 4(b), to transport passengers together with their baggage, over regular routes, at per capita fares, between Pomonkey, Md., and the Naval Research Laboratory, Washington, D. C. Bill's Bus has proposed the following regular route in each application.

From Pomonkey over Maryland State Highway 227 to junction Maryland State Highway 225, thence over Maryland State Highway 225 to junction Maryland State Highway 210, thence over Maryland State Highway 210 to junction Interstate Highway 495 to junction Interstate Highway 295, and thence over Interstate Highway 295 to the Naval Research Laboratory, and return over the same route.

Bill's Bus proposes to render the regular route operations in school buses. The proposed fares would include a \$20 ten day pass for transportation between Marshall's Corner and the Naval Research Laboratory and a \$10 ten day pass for transportation between Fort Washington and the Naval Research Laboratory. Bill's Bus primarily would transport employees of the Naval Research Laboratory. The proposed regular route service would start on Route 227 in Pomonkey, Md., and would proceed to the Naval Research Laboratory in Washington, D. C., over the regular route set forth hereinbefore and would stop at Pomfret Estates on Route 227, the intersection of Routes 227 and 225, Bryans Road Shopping Center, Accokeek, Fort Washington Shopping Center, and the ABC Drive-In.

Bill's Bus holds no authority from this Commission. However, the instant applications involve passenger transportation for hire subject to the jurisdiction of the Interstate Commerce Commission (ICC). On April 20, 1976, the ICC issued Bill's Bus temporary authority to provide the proposed service. The ICC currently has pending an application for corresponding permanent authority.

The threshold question presented by these applications is whether the proposed transportation service is excepted from this Commission's regulatory province. The Compact, Title II, Article XII, Section 1(a)(4) provides as follows:

This Act shall apply to the transportation for hire by any carrier of persons between any points in the Metropolitan District and to the persons engaged in rendering or performing such transportation service except transportation performed in the course of an operation over a regular route, between a point in the Metropolitan District and a point outside the Metropolitan District, including transportation between points on such regular route within the Metropolitan District as to interstate and foreign commerce, if authorized by certificate of public convenience and necessity or permit issued by the Interstate Commerce Commission, and any carrier whose only transportation within the

Metropolitan District is within this exemption shall not be deemed to be a carrier subject to the Compact; provided, however, if the primary function of a carrier's entire operations is the furnishing of mass transportation service within the Washington Metropolitan Area Transit District, then such operations in the Metropolitan District shall be subject to the jurisdiction of the Commission.

The Commission has jurisdiction of the proposed transportation service. That transportation includes service between points outside the Metropolitan District and a point inside the Metropolitan District and between two points inside the Metropolitan District. The primary function of Bill's Bus entire operations would be the furnishing of transportation services to employees at the Naval Research Laboratory, a point inside the Metropolitan District. However, the Commission's jurisdiction extends only to the operations performed between points in Prince George's County and the Naval Research Laboratory.

The Commission may grant temporary authority, in its discretion and without hearings or other proceedings, if it finds 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). As part of its supplemented Application No. 897, Bill's Bus has submitted twenty-four separate statements in support of its request for temporary authority. These statements essentially indicate that the potential passengers currently travel by private automobile. Their need for the proposed service is based upon the increasing price of gasoline, a shortage of suitable parking spaces, and a desire for a more economical means of commuting.

The Commission finds that Bill's Bus has fulfilled the Compact requirements for temporary authority. Accordingly the Commission shall grant Application No. 897 of Bill's Bus. The grant of temporary authority creates no presumption that corresponding permanent authority will be granted.

With respect to Application No. 898, 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 hearing to develop an appropriate record. Bill's Bus 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 reason for the hearing is to fully develop the basis for any findings as to the fitness of Bill's Bus to perform the proposed regular route special operations and the existing requirements of the public convenience and necessity for the permanent provision of such operations. Bill's Bus shall be required to submit and be prepared to support with competent witnesses the following statements:

(A) A detailed balance sheet of Bill's Bus as of July 31, 1976.

(B) A detailed income statement of Bill's Bus for a period ended July 31, 1976.

(C) A statement projecting revenue and revenue deductions, for a one year period, together with supporting details, including the ratio between revenue deductions and revenues.

Bill's Bus shall be directed to file six (6) copies of the statements required hereinbefore with the Commission and serve one copy on each party of record on or before September 15, 1976. Bill's Bus shall be prepared to present evidence that public convenience and necessity require permanent authorization of the proposed services.

THEREFORE, IT IS ORDERED:

1. That Application No. 897 of Bill's Bus Service be, and it is hereby, granted.

2. That Bill's Bus Service be, and it is hereby, granted temporary authority to transport passengers and their baggage, over regular routes, at per capita fares, between Pomonkey, Md., and the Naval Research Laboratory, Washington, D. C. as follows:

From the Prince George's County and Charles County line over Maryland State Highway 225 to junction Maryland State Highway 210, thence over Maryland State Highway 210 to junction Interstate Highway 495 to junction Interstate Highway 295, and thence over Interstate Highway 295 to the Naval Research Laboratory, and return over the same route.

3. That the temporary authority granted herein shall become effective Sunday, July 11, 1976, and shall remain in effect through Tuesday, January 4, 1977, unless otherwise ordered by the Commission.

4. That Bill's Bus Service shall file, within five days of the service date of this order, two copies of WMATC Temporary Authority Tariff No. 1 in accordance with the authority granted herein, to be effective upon acceptance by the Executive Director.

5. That Application No. 898 of Bill's Bus Service be, and it is hereby, scheduled for public hearing to commence Wednesday, September 22, 1976, at 9:30 A. M., in the Hearing Room of the Commission, Room 314, 1625 I Street, N. W., Washington, D. C.

6. That Bill's Bus Service publish once in a newspaper of general circulation in the Metropolitan District and post until the public hearing in each of its vehicles notice of the application and hearing in the form prepared by the staff of the Commission no later than Friday, August 27, 1976, and present at the hearing a certificate of publication from the selected newspaper and a certificate of posting.

7. That six (6) copies, the original to be submitted at the hearing, of the statements required hereinbefore be filed by Bill's Bus Service with the Commission and one copy served on each party of record on or before Wednesday, September 15, 1976.

8. That any person desiring to protest shall file a protest in accordance with Commission Rule 14, or any person desiring to be heard on this matter shall notify the Commission, in writing, on or before Friday, September 10, 1976, and shall mail a copy of such protest or such notice to Mr. Harlan E. Mullenax, trading as Bill's Bus Service, 6705 Northgale Parkway, Clinton, Md. 20735.

9. That Bill's Bus Service 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, September 15, 1976.

BY DIRECTION OF THE COMMISSION:



WILLIAM H. MCGILVERY  
Executive Director