

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1595

IN THE MATTER OF:

Served August 13, 1976

Petition of THE GRAY LINE, INC., )  
referring to the Mantua Charter )  
Operations Pursuant to Contract )

On August 2, 1976, the Commission received a letter requesting either a formal or informal opinion pertaining to the operating authority of The Gray Line, Inc. (Gray Line). The Commission has determined that the letter shall be accorded the status of a petition and that a formal opinion should be rendered. This determination is based upon the Commission's intention to clarify its jurisdiction of charter operations pursuant to contracts which involve transportation rendered within the Commonwealth of Virginia.

Gray Line desires an opinion upon the question whether it can render charter service pursuant to a contract with the Mantua Charter Bus Committee between a point in Fairfax County, Virginia, and multiple points in the District of Columbia, including intermediate point service at the Pentagon and Rosslyn, Virginia, pursuant to existing authority issued by this Commission. <sup>1/</sup> Essentially, Gray Line is requesting an opinion whether it can render service between a point in Fairfax County, Virginia, and the Pentagon and Rosslyn, Virginia, when the latter points are intermediate points on an interstate operation within the Metropolitan District. Gray Line clearly states that it would not operate any service solely between any two points within the Commonwealth of Virginia. Gray Line submits that the operation of the charter service pursuant to the contract does not involve points solely

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<sup>1/</sup> Gray Line phrases the issue in the alternative by requesting this Commission's opinion whether authority from the Virginia State Corporation Commission must be acquired. Although one of the members of this Commission is a member of the Virginia State Corporation Commission, this Commission believes the interpretation and application of the laws of the Commonwealth of Virginia should be made by that Commission. As a result, this opinion contains no discussion of the applicability of Virginia's laws with respect to common carriage or employee hauling to the operation by Gray Line of service between Mantua, Virginia, and either the Pentagon or Rosslyn, Virginia.

within the Commonwealth of Virginia and, accordingly, the provisions of the Compact, Title II, Article XII, Section 1(b) are not applicable.

Gray Line has been issued Certificate of Public Convenience and Necessity No. 12 by this Commission. That Certificate authorizes, as relevant herein, the transportation of passengers and their baggage, over irregular routes, in charter operations, round-trip or one-way, from points in the Metropolitan District, not including Alexandria, Virginia, to points in the Metropolitan District. Significantly, that Certificate expressly excepts authority to render any intrastate transportation in Virginia. In addition, Gray Line has the right to perform charter operations pursuant to contract within the broader scope of its charter authority. See Order No. 1361, served October 16, 1974, at page 6.

The Commission has accepted for filing the contract between Gray Line and the Mantua Chartered Bus Committee of the Mantua Citizens Association. See Commission Regulation 56-03. That contract relates to the provision of passenger transportation for hire between the residential community of Mantua in Fairfax County, Virginia, on the one hand, and the District of Columbia, on the other, including service to certain specified intermediate points in Virginia, in accordance with the schedule of service attached thereto and made a part thereof. That schedule lists the Pentagon as a point on the morning and evening schedules for bus number one and Rosslyn, Virginia, as a point on the morning schedule for bus number two and the evening schedule for bus number one.

The provision of charter operations pursuant to contract between points in the Commonwealth of Virginia and points in the District of Columbia clearly is authorized by Gray Line's current Certificate. However, the provision of similar services between points in the Commonwealth of Virginia is not authorized by Gray Line's current Certificate, albeit that certain of the points merely are intermediate points along a route extending into the District of Columbia.

The Compact, Title II, Article XII, Section 1(b), states:

"The provisions of this Title II shall not apply to transportation as specified in this section solely within the Commonwealth of Virginia and to the activities of persons engaged in such transportation, nor shall any provision of this Title II be construed to infringe the exercise of any power or the discharge of any duties conferred or imposed upon the State Corporation Commission of the Commonwealth of Virginia by the Virginia Constitution." (Emphasis added.)

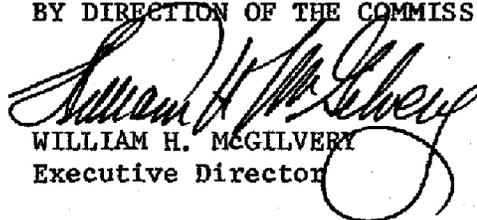
The critical phrase for the purpose of this opinion is "transportation". Article XII, Section 1(b) of Title II of the Compact does not refer to "points"

within the Commonwealth of Virginia but, rather, to "transportation . . . solely within the Commonwealth of Virginia". If the framers of the Compact had intended to except operations which solely involved movements between points within the Commonwealth of Virginia, the provision would have referred to "points" and not "transportation". However, the Compact provision excepts "transportation . . . solely within the Commonwealth of Virginia".

The crucial determination must be whether the charter operations pursuant to contract between Mantua, Virginia, and either the Pentagon or Rosslyn, Virginia, is transportation solely within the Commonwealth of Virginia. The Commission concludes that it would be. The persons using the service to travel to and from the Pentagon or Rosslyn, Virginia, would be transported only within the Commonwealth of Virginia. As to these persons, the transportation for hire would not be within this Commission's jurisdiction and could not be authorized by Gray Line's current Certificate.

THEREFORE, IT IS DECLARED that The Gray Line, Inc.'s provision of charter operations pursuant to contract with the Mantua Chartered Bus Committee of the Mantua Citizens Association, over irregular routes, between Mantua, Virginia, and either the Pentagon or Rosslyn, Virginia, is not authorized by Certificate of Public Convenience and Necessity No. 12.

BY DIRECTION OF THE COMMISSION:



WILLIAM H. MCGILVERAY  
Executive Director

