

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1596

IN THE MATTER OF:

Served August 16, 1976

Application of IRA F. GADD T/A)
COLUMBIA TOURS for Certificate of)
Public Convenience and Necessity to)
Perform Commuter Operations)

Application No. 958
Docket No. 346

By Application No. 958, filed July 30, 1976, Ira F. Gadd trading as Columbia Tours (Columbia) seeks a certificate of public convenience and necessity, pursuant to Title II, Article XII, Section 4(b) of the Compact, to perform commuter operations. Columbia seeks authority to transport persons, over irregular routes, between the Burke Heights Subdivision in the Springfield area of Fairfax County, Virginia, and the District of Columbia, with intermediate stops in the Pentagon-Crystal City area of Arlington County, Virginia.

Columbia proposes to pick-up persons in the Burke Heights Subdivision and transport them to their place of business in either the District of Columbia or the Pentagon-Crystal City area and return them from their place of business to the Burke Heights Subdivision. Columbia would render the proposed transportation service in 49-passenger motor coaches. The proposed transportation service initially would involve two separate trips in the morning and evening. The first morning trip would originate at approximately 7 A. M., and the second morning trip would originate at approximately 7:30 A. M., in the Burke Heights Subdivision. The first evening trip would originate at approximately 4:30 P. M., and the second evening trip would originate at approximately 5 P. M., in the vicinity of 20th and K Streets, N. W., in the District of Columbia.

Columbia has proposed three separate rates for the transportation service. A monthly rate of \$38 apparently would apply to each calendar month and entitle a person to transportation on any trip. A weekly rate of \$10 apparently would entitle a person to 5 days of round-trip transportation. A person using the proposed transportation service also could pay a \$1.25 one-way fare. Columbia has stated that persons under 5 years of age when accompanied by an adult passenger (any person 12 years or older) and not occupying seats to the exclusion of farepaying passengers would not be charged and that persons between the ages of 5 and 12 years would be charged one-half the adult fare. The actual amount to be used for one-half the adult one-way fare of \$1.25 was not indicated.

Columbia has stated in its application that the nearest bus service for residents of Burke Heights Subdivision is provided by the Washington Metropolitan

Area Transit Authority, which operates one bus per day on Virginia Route 644 in the Springfield area. The nearest stop on that bus route is stated to be approximately two miles east of Burke Heights. Columbia also filed as part of its application 113 forms completed by residents of the Burke Heights Subdivision which Columbia states indicates a public interest in the proposed transportation service.

Columbia's Application No. 958 includes proposed service between the Burke Heights Subdivision and the Pentagon-Crystal City Area. The Compact, Title II, Article XII, Section 1(b) provides that the Commission does not have regulatory jurisdiction over transportation for hire of persons between points solely within the Commonwealth of Virginia. The persons using the service to travel to and from the Pentagon-Crystal City area would be transported only within the Commonwealth of Virginia. The Commission thus will not consider that aspect of Columbia's proposed service which would involve transportation between the Burke Heights Subdivision and the Pentagon-Crystal City area.

Title II, Article XII, Section 4(b) of the Compact mandates that, whenever an application is made for a certificate of public convenience and necessity, 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." Pursuant to this mandate, the Commission shall schedule a public hearing to develop an appropriate record. Columbia 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 Columbia to submit and be prepared to support with a competent witness a statement projecting revenues and revenue deductions for a one-year period. Columbia shall be directed to file six (6) copies of the statement with the Commission and serve one copy on each party of record on or before Wednesday, September 8, 1976. Columbia shall be prepared to present evidence that public convenience and necessity require the proposed service.

THEREFORE, IT IS ORDERED:

1. That Application No. 958 of Ira F. Gadd trading as Columbia Tours be, and it is hereby, scheduled for public hearing to commence Wednesday, September 15, 1976, at 9:30 A. M., in the Hearing Room of the Commission, Room 314, 1625 I Street, N. W., Washington, D. C.

2. That Ira F. Gadd trading as Columbia Tours be, and it is hereby, required to publish once in a newspaper of general circulation in the

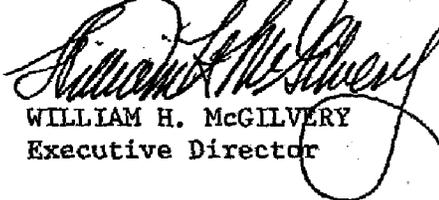
Metropolitan District notice of the application and hearing in the form prescribed by the staff of the Commission no later than Friday, August 20, 1976, and present at the hearing a certificate of publication from the selected newspaper.

3. That six (6) copies, the original to be submitted at the hearing, of the statement required hereinbefore be filed by Ira F. Gadd trading as Columbia Tours with the Commission and one copy served on each party of record on or before Wednesday, September 8, 1976.

4. 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 3, 1976, and shall mail a copy of such protest or such notice to counsel of record for Ira F. Gadd trading as Columbia Tours, Clive L. DuVal 2d, Esquire, 2007 North 15th Street, Arlington, Virginia 22201.

5. That Ira F. Gadd trading as Columbia Tours 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., on or before Wednesday, September 8, 1976.

FOR THE COMMISSION:



WILLIAM H. MCGILVERY
Executive Director