

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1599

IN THE MATTER OF:

Served August 31, 1976

Application of NATIONAL BUS LEASING,
INC., for Certificate of Public Con-
venience and Necessity to Perform)
Charter Operations Pursuant to)
Contract)

Application No. 963

Docket No. 348

By Application No. 963, filed August 23, 1976, National Bus Leasing, Inc. (National Bus) seeks a certificate of public convenience and necessity, pursuant to Title II, Article XII, Section 4(b) of the Compact, to perform charter operations pursuant to contract. National Bus seeks authority to transport persons travelling on official government business, government employees, and others travelling for personal convenience, together with baggage, over irregular routes, between the Energy Research and Development Administration (ERDA) office at 20 Massachusetts Avenue, N. W., Washington, D. C., and the ERDA office near Germantown, Maryland, which is situated adjacent to the intersection of Interstate Highway Route 270 and Maryland State Highway Route 118.

The transportation service would be performed pursuant to a contract between ERDA and National Bus. The contract has a one year term commencing September 1, 1976, and terminating August 31, 1977, unless sooner terminated. The proposed regularly scheduled shuttle bus service would be provided on a daily basis except Saturdays, Sundays, and government holidays and would include concurrent extra shuttle bus service to accommodate occasional passenger overflows if required by ERDA. The proposed transportation service would be scheduled as follows:

Northbound Departures

<u>From 20 Massachusetts Ave.</u>	<u>Arrive Germantown</u>
7:15 A. M.	8:20 A. M.
8:30 A. M.	9:35 A. M.
9:45 A. M.	10:50 A. M.
11:00 A. M.	12:05 P. M.
12:15 P. M.	1:20 P. M.
1:30 P. M.	2:35 P. M.
2:45 P. M.	3:50 P. M.
4:00 P. M.	5:05 P. M.
5:20 P. M.	6:25 P. M.
6:30 P. M.	7:30 P. M.

Southbound Departures

<u>From Germantown</u>	<u>Arrive 20 Massachusetts Ave.</u>
7:15 A. M.	8:20 A. M.
8:30 A. M.	9:35 A. M.
9:45 A. M.	10:50 A. M.
11:00 A. M.	12:05 P. M.
12:15 P. M.	1:20 P. M.
1:30 P. M.	2:35 P. M.
2:45 P. M.	3:50 P. M.
4:00 P. M.	5:05 P. M.
5:20 P. M.	6:25 P. M.
6:30 P. M.	7:30 P. M.

National Bus would be paid \$53.02 for each round-trip rendered pursuant to the foregoing schedule. Passengers travelling in the proposed shuttle service would not pay per capita fares. Rather, the payments would be made pursuant to the contract. National Bus would render the proposed shuttle services in motor coaches having a minimum seating capacity for 46 passengers.

On August 26, 1976, Atwood's Transport Lines, Inc. (Atwood) filed a formal protest to National Bus' Application No. 963 and requested the Commission to assign it for oral hearing at a time and place convenient to all parties involved and thereby afford all interested carriers the opportunity to oppose the application. Atwood's protest sets forth legal arguments and several factual allegations which are not supported by probative evidence.

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. National 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 Commission shall require National Bus to submit and be prepared to support with a competent witness a statement projecting revenues and revenue deductions for a one-year period. National Bus 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 29, 1976. National Bus shall be prepared to present evidence that public convenience and necessity require the proposed service.

National Bus has sought temporary authority from the Commission. The contract requires that the proposed regularly scheduled shuttle bus service commence September 1, 1976. National Bus was advised by letter dated August 9, 1976, that it would be awarded the contract. National Bus has alleged that there is an immediate and urgent need for authority to render the proposed transportation service.

Protestant Atwood held the previous contract with ERDA to provide a transportation service similar to that proposed. Atwood's contract apparently will be terminated August 31, 1976. ERDA thus has indicated a desire to have National Bus render the regularly scheduled shuttle bus service, as set forth hereinbefore, commencing September 1, 1976. The Commission shall consider the contract between National Bus and ERDA as evincing support by ERDA for National Bus' request for temporary authority.

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 finds that ERDA has an immediate and urgent need to transport persons travelling on official government business, government employees, and others travelling for personal convenience between its offices at 20 Massachusetts Avenue, N. W., Washington, D. C., and its office near Germantown, Maryland. The Commission also finds that there would be no carrier service operating between these points, as of September 1, 1976, capable of meeting ERDA's need for the proposed regularly scheduled shuttle bus service. In order to enable the provision of this transportation service, the Commission shall grant National Bus temporary authority to perform its contractual obligations. However, the Commission shall schedule the public hearing mandated by the Compact at an early date so as to consider the issues presented by the protestant Atwood. 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. 963 of National Bus Leasing, Inc., be, and it is hereby, scheduled for public hearing to commence Wednesday, October 6, 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 National Bus Leasing, Inc., publish once in a newspaper of general circulation in the Metropolitan District and post continuously

until the hearing date 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, September 8, 1976, and present at the hearing a certificate of publication from the selected newspaper and a certificate of posting.

3. That six (6) copies, the original to be submitted at the hearing, of the statement required hereinbefore be filed by National Bus Leasing, Inc., and one copy served on each party of record on or before Wednesday, September 29, 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 Monday, September 27, 1976, and shall mail a copy of such protest or such notice to Ms. Clarice Rowe, President, National Bus Leasing, Inc., P. O. Box 264, Greenbelt, Maryland 20770.

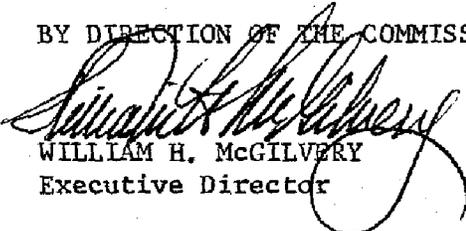
5. That National Bus Leasing, Inc., be, and it is hereby, granted temporary authority to transport persons travelling on official government business, government employees, and other travelling for personal convenience, together with baggage, over irregular routes, between the Energy Research and Development Administration office at 20 Massachusetts Avenue, N. W., Washington, D. C., and the Energy Research and Development Administration office near Germantown, Maryland, which is situated adjacent to the intersection of Interstate Highway 270 and Maryland State Highway Route 118, pursuant to contract with the Energy Research and Development Administration.

6. That unless otherwise provided by order of the Commission the temporary authority granted herein shall become effective Wednesday September 1, 1976, and shall remain in effect through Sunday, February 27, 1977.

7. That National Bus Leasing, Inc., be, and it is hereby, required to file Temporary Authority Tariff No. 1 pursuant to the temporary authority granted herein to be effective September 1, 1976, and a copy of the contract with the Energy Research and Development Administration.

8. That National Bus Leasing, Inc., 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 29, 1976.

BY DIRECTION OF THE COMMISSION:


WILLIAM H. MCGILVERY
Executive Director