

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1607

IN THE MATTER OF:

Served September 15, 1976

Application of RODGERS E. JOHNSON )  
 T/A J.&J. BUS SERVICE for Certifi- )  
 cate of Public Convenience and )  
 Necessity for Regular Route Service )

Application No. 962  
 Docket No. 352

By Application No. 962, filed August 19, 1976, Rodgers E. Johnson trading as J.&J. Bus Service (J.&J.) 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, from points in Prince George's County, Maryland, to the Naval Research Laboratory, Washington, D. C., and return. J.&J. has proposed the following route:

From the intersection of Gallant Green Road and Maryland Route 5, over Maryland Route 5 to St. Charles Parkway, over St. Charles Parkway to Smallwood Drive, over Smallwood Drive to U. S. Route 301, over U. S. Route 301 to Maryland Route 5 (Branch Avenue), over Maryland Route 5 to Maryland Route 373 (Accokeek Road), over Maryland Route 373 to Maryland Route 381 (Brandywine Road), over Maryland Route 381 to Maryland Route 5, over Maryland Route 5 to Maryland Route 223 (Piscataway Road), over Maryland Route 223 to parking area opposite Clinton Community Hospital, return over Maryland Route 223 to Maryland Route 5, over Maryland Route 5 to Interstate Route 495 (Capital Beltway), over Interstate Route 495 to Interstate Route 295, over Interstate Route 295 to Naval Research Laboratory exit to 4555 Overlook Avenue, S. W., and return over the same route.

J.&J. proposes the following stops and fares.

Between Naval Research Laboratory and:

	<u>One Way</u>	<u>Round Trip</u>	<u>10 RT Pass</u>
Route 5 and Allentown Road (Camp Springs)	\$ .75	\$1.50	\$12.50
Route 5 and Woodyard Road (Clinton)	.75	1.50	12.50
Route 5 and Route 381 (Brandywine)	1.25	2.50	22.50
Route 301 and Mattawoman Road (Waldorf)	1.25	2.50	22.50
Route 301 and Smallwood Drive (St. Charles City)	1.25	2.50	22.50
Route 5 and Bowling Road (Bryantown)	1.25	2.50	22.50
Route 5 and Gallant Green Road (Hughesville)	1.25	2.50	22.50

Service would be operated weekdays except holidays, and would be scheduled to arrive at the Naval Research Laboratory (NRL) at 7:30 A. M., and to depart from NRL at 4:15 P. M.

This Commission's jurisdiction, as relevant to this application, extends only to the Prince George's-Charles County Line, which crosses Route 301 at Mattawoman Creek, north of the proposed Waldorf stop. Thus, the stops at Waldorf, St. Charles City, Bryantown, and Hughesville, along with the routing and fares in those areas, would be outside this Commission's jurisdiction and will not be further considered.

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. J.&J. 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 J.&J. to submit and be prepared to support with a competent witness a statement projecting revenues and revenue deductions for a one-year period. J.&J. 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, October 20, 1976. J.&J. shall be prepared to present evidence that public convenience and necessity require the proposed service.

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 having no carrier service capable of meeting such need. See Compact, Title II, Article XII, Section 4(d)(3). The Commission finds that persons travelling to and from NRL have an immediate and urgent need for the proposed passenger transportation service. The Commission also finds that no other carrier is providing the proposed passenger transportation service. Accordingly, the Commission shall grant J.&J. temporary authority pending a decision on the application for a certificate of public convenience and necessity. 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. 962 of Rodgers E. Johnson trading as J.&J. Bus Service be, and it is hereby, scheduled for public hearing to commence Friday, October 29, 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 Rodgers E. Johnson trading as J.&J. 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 prescribed by the staff of the Commission no later than Friday, October 1, 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 Rodgers E. Johnson trading as J.&J. Bus Service with the Commission and one copy served on each party of record on or before October 20, 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, October 15, 1976, and shall mail a copy of such protest or such notice to Mr. Rodgers E. Johnson trading as J.&J. Bus Service, 10 Regina Drive, Brandywine, Maryland 20613.

5. That Rodgers E. Johnson trading as J.&J. 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, October 20, 1976.

6. That Rodgers E. Johnson trading as J.&J. Bus Service be, and it is hereby, granted temporary authority to transport passengers and their baggage, over regular routes, as follows:

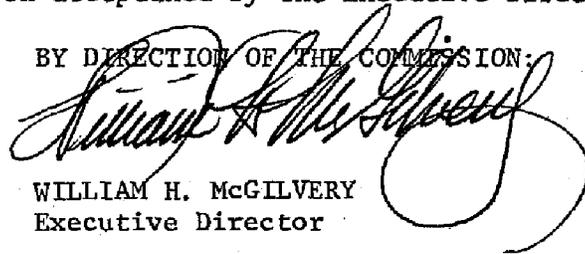
From the Prince George's County-Charles County line over U. S. Route 301 to Maryland Route 5 (Branch Avenue), over Maryland Route 5 to Maryland Route 373 (Accokeek Road), over Maryland Route 373 to Maryland Route 381 (Brandywine Road), over Maryland Route 381 to Maryland Route 5, over Maryland Route 5 to Maryland Route 223 (Piscataway Road), over Maryland Route 223 to parking area opposite Clinton Community Hospital, return over Maryland Route 223 to Maryland Route 5, over Maryland Route 5 to Interstate Route 495 (Capital Beltway), over

Interstate Route 495 to Interstate Route 295, over Interstate Route 295 to Naval Research Laboratory exit to 4555 Overlook Avenue, S. W., and return over the same route.

7. That the temporary authority granted herein shall become effective Thursday, September 16, 1976, and shall remain in effect through Monday, March 14, 1977, unless otherwise ordered by the Commission.

8. That Rodgers E. Johnson trading as J.&J. 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.

BY DIRECTION OF THE COMMISSION:



WILLIAM H. MCGILVERY  
Executive Director