

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1630

IN THE MATTER OF:

Application of RODGERS E. JOHNSON)
t/a J & J BUS SERVICE for)
Certificate of Public Convenience)
and Necessity to Perform Regular)
Route Service)

Served November 29, 1976

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 as described in Order No. 1607, served September 15, 1976. A public hearing on the matter was held on October 29, 1976, and Bill's Bus Service, Inc., appeared in opposition to the application.

By letter filed November 12, 1976, applicant seeks to amend the proposed route and operate as follows:

From the intersection of Horsehead Road and Maryland Highway 381 over Maryland Highway 381 to junction Cedarville Road, thence over Cedarville Road to junction U. S. Highway 301, thence over U. S. Highway 301 to junction Maryland Highway 5, thence over Maryland Highway 5 to junction Interstate Highway 495, thence over Interstate Highway 495 to junction Interstate Highway 295, thence over Interstate Highway 295 to junction Overlook Avenue, thence over Overlook Avenue to the Naval Research Laboratory (NRL), 4555 Overlook Avenue, S. W., Washington, D. C., serving Duley's Restaurant located near the junction of Maryland Highways 5, 373, and 381 and Clinton Shopping Center located near the junction of Maryland Highways 5 and 223, as off-route points, and return over the same route.

The application, as amended, proposes the following stops and fares:

Between Naval Research Laboratory and:

	<u>ONE WAY</u>	<u>ROUND TRIP</u>	<u>10 RT PASS</u>
1. Md. 381 and Horsehead Road	\$1.25	\$2.50	\$22.50
2. Cedarville Road and Cedarville Trailer Park Road	1.25	2.50	22.50
3. Cedarville Road and U. S. 301	1.25	2.50	22.50
4. Duley's Restaurant	1.25	2.50	22.50
5. Clinton Shopping Center	.75	1.50	12.50
6. Md. 5 and Allentown Road	.75	1.50	12.50

Stops previously applied for which would be abandoned by the amended application are:

- Md. 5 and Gallant Green Road
- Md. 5 and Bowling Road
- U. S. 301 and Smallwood Drive
- U. S. 301 and Mattawoman Road

Inasmuch as the above-referenced abandoned stops are located in Charles County, Md., service thereat is beyond the territorial jurisdiction of this Commission. See Compact, Title I, Article I.

As noted, a hearing in this matter has been held pursuant to Title II, Article XII, Section 4(b) of the Compact. Accordingly, the public hearing scheduled herein shall be for the sole purpose of developing an appropriate record concerning the changes proposed in the amendment to the application.

By petition filed November 15, 1976, applicant requests that corresponding temporary authority granted in Order No. 1607 be amended in the manner set forth above. The Compact, Title II, Article XII, Section 4(d)(3) provides that the Commission may grant temporary authority in its discretion

and without hearings or other proceedings, if it finds that there is an immediate and urgent need to a point or points having no carrier service capable of meeting such need. The Commission finds that persons traveling to and from NRL have an immediate and urgent need for the proposed service as amended, and further finds that no other carrier service is capable of meeting such need. Accordingly, the Commission shall grant J&J amended temporary authority pending a decision on the amended application for a certificate of public convenience and necessity. Of course, the grant of amended temporary authority creates no presumption that corresponding permanent authority will be granted.

THEREFORE, IT IS ORDERED:

1. That Application No. 962, as amended, of Rodgers E. Johnson trading as J&J Bus Service, be, and it is hereby, scheduled for further public hearing to commence Monday, December 13, 1976, at 2:00 P. M. in the Hearing Room of the Commission, Room 314, 1625 I Street, N.W., Washington, D.C. 20006, for the sole purpose of receiving evidence concerning the amendment to said application as described hereinabove.

2. That Rodgers E. Johnson trading as J&J Bus Service publish 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 Thursday, December 2, 1976, and present at the hearing a certificate of publication from the selected newspaper and a certificate of posting.

3. That any person desiring to protest said amendment 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, December 10, 1976, and shall mail a copy of such protest or such notice to applicant's representative, Lawrence E. Lindeman, Esquire, Suite 1032 Pennsylvania Building, 425 13th Street, N.W., Washington, D.C. 20004.

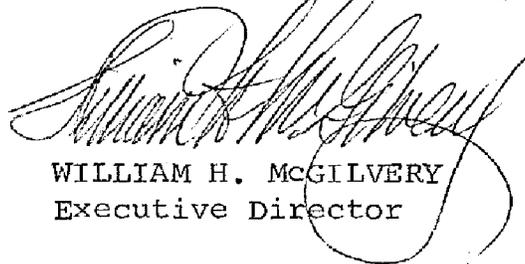
4. That Rodgers E. Johnson trading as J&J Bus Service be, and it is hereby, granted temporary authority to transport passengers and their baggage, over regular routes, as follows:

From the intersection of Horsehead Road and Maryland Highway 381, over Maryland Highway 381 to junction Cedarville Road, thence over Cedarville Road to junction U. S. Highway 301, thence over U. S. Highway 301 to junction Maryland Highway 5, thence over Maryland Highway 5 to junction Interstate Highway 495, thence over Interstate Highway 495 to junction Interstate Highway 295, thence over Interstate Highway 295 to the Naval Research Laboratory, 4555 Overlook Avenue, S. W., Washington, D. C. serving Duley's Restaurant located near the junction of Maryland Highways 5, 373, and 381 and Clinton Shopping Center located near the junction of Maryland Highways 5 and 223, as off-route points, and return over the same route.

5. That the amended temporary authority granted herein shall become effective immediately and shall remain in effect through March 14, 1977, unless otherwise ordered by the Commission.

6. 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 an appropriate amendment to 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