

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1643

IN THE MATTER OF:

Served January 24, 1977

Application of Suburban Transit)
Company for Temporary Authority)
to Serve the Capital Centre)

Application No. 976

The Proposed Service

By Application No. 976, filed December 13, 1976, Posie James Preston, Jr., a sole proprietor trading as Suburban Transit Company (Suburban), seeks temporary authority to establish a new service to the Capital Centre, Landover, Maryland. The proposed service would operate over certain streets in the District of Columbia and Maryland, stopping at Metrobus stops to pick up passengers bound for the Capital Centre, and discharging passengers from the Capital Centre at Metrobus stops on the return trip.

Suburban proposes to operate two separate trips to and from the Capital Centre as follows:

1. From Ward Circle (Nebraska Avenue and Massachusetts Avenue, N. W.), southeasterly on Massachusetts Avenue, right on Wisconsin Avenue, right on 34th Street, right on P Street, left on 37th Street, left on O Street, right on Wisconsin Avenue, left on Dumbarton Street, right on 30th Street, left on M Street, right on Pennsylvania Avenue, right on 15th Street, left on Pennsylvania Avenue, left on 11th Street, left on K Street, right on 12th Street, right on L Street, left on New York Avenue, right on M Street, left on North Capitol Street, right on Michigan Avenue, N. E., continue on Queens Chapel Road, left on Chillum Road, right on Eastern Avenue, N. E., right on New Hampshire Avenue, right on University Boulevard to Capital Beltway, thence over Capital Beltway to Capital Centre, and return over the same route.

NOTE: Service is provided between the Capital Centre and Metrobus stops located along the above-described route between Ward Circle and the intersection of New Hampshire Avenue and University Boulevard.

2. From the intersection of New Hampshire Avenue and University Boulevard, easterly over University Boulevard, right on Adelphi Road, right on Belcrest Road, left on East-West Highway, left on U.S. 1, right

on Greenbelt Road, left on Lakecrest Drive, right on Lakeside Drive, right on West Way, right on Ridge Road, right on South Way, right on Baltimore-Washington Parkway to Capital Beltway, thence over Capital Beltway to Capital Centre, and return over the same route.

NOTE: Service is provided between the Capital Centre and Metrobus stops located along the above-described route between the intersection of New Hampshire Avenue and University Boulevard and the intersection of South Way and the Baltimore-Washington Parkway.

Suburban proposes to charge a round-trip fare of \$3 for service. One-way service would be provided, but would also cost \$3. Service would be provided in two over-the-road coaches owned by Suburban, a 1956 bus with 53 seats and a 1964 bus with 49 seats. Service would not be provided to every event scheduled at the Capital Centre. Rather, Suburban would determine which events it will serve, and potential riders would be required to call a recording (396-5600) or an answering service (399-3000) to determine whether and at what time service will be offered.

Other Service

The only other service of this type to the Capital Centre is authorized by WMATC Certificate of Public Convenience and Necessity No. 29 held by Suburban. That Certificate authorizes irregular-route special operations from Gaithersburg, Rockville, and Wheaton, Maryland, Reston, Tyson's Corner, and Springfield, Virginia, and 16th and Kennedy Streets, N. W., and 4th Street and Michigan Avenue, N. E., in the District of Columbia, to the Capital Centre.

In addition, Suburban held, until recently, temporary authority granted by Commission Order No. 1574 to provide per capita transportation between the Capital Centre and a number of points throughout the Metropolitan District. This authority expired December 24, 1976, after 180 days, and was never the subject of an application for permanent authority.

There are very few points where the expired temporary authority held pursuant to Application No. 926 overlaps the temporary authority sought in the present application. This has caused us to consider that portion of the Compact, Title II, Article XII, Section 4(d)(3) which provides that ". . . temporary authority unless suspended or revoked for good cause, shall be valid for such time as the Commission shall specify, but for not more than an aggregate of 180 days . . .". The Commission has considered the scope of the authorities expired and sought,

as well as the nature of the two operations, and finds that the overlaps are minor and incidental, and that the granting of Application No. 976 would not constitute an extension of temporary authority granted pursuant to Application No. 926.

Discussion and Conclusions

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 or within a territory having no carrier service capable of meeting such need. See Compact, Title II, Article XII, Section 4(d)(3).

While not specifically mentioned by the above-cited section of the Compact, the issue of a carrier's fitness is present in any application for operating authority. By Order No. 1632, served December 1, 1976, the Commission denied Application No. 948 of Suburban to perform a commuter service within the Metropolitan District. As part of that decision the Commission directly challenged the fitness of Suburban with respect to financial soundness, equipment, management capability, and ability to conform to directives of the Commission. With respect to the present application we have considered these matters anew. Although we still have reservations in certain areas, we feel that the service herein proposed is so much less demanding on Suburban's financial resources, equipment, and management capability that applicant can be found fit for a grant of temporary authority as requested herein. Further, the nature of the service proposed herein is substantially less critical to the consumer than his home-to-work trip, and the Commission, of course, considers in each application proceeding the applicant's fitness to perform the specific service proposed therein.

In support of its application and as evidence of the need for the proposed service, Suburban submitted on January 13, 1977, a letter from the Assistant Director of Operations of the Capital Centre, indicating that the proposed service is "much wanted and needed", and endorsing the proposal to stop at Metro bus stops. Suburban also filed a verified statement concerning the volume of requests for such service that it receives over the telephone.

The Commission has considered the application in light of the Compact requirements and finds that an immediate and urgent need exists for the proposed service and that there is no other carrier service currently meeting such need or capable of meeting it.

Accordingly, 180 days temporary authority will be granted to Suburban to conduct the proposed service. Such grant creates no presumption that corresponding permanent authority will be granted in the future.

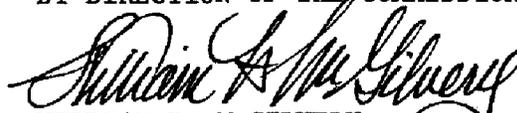
THEREFORE, IT IS ORDERED:

1. That Application No. 976 of Posie James Preston, Jr., a sole proprietor trading as Suburban Transit Company, be, and it is hereby, granted as specified hereinbefore.

2. That the temporary authority granted herein shall become effective January 25, 1977, and shall remain in effect through July 23, 1977, unless otherwise ordered by the Commission.

3. That Suburban Transit Company shall file, on or before January 31, 1977, two copies of WMATC Temporary Authority Tariff No. 2 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