

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1682

IN THE MATTER OF:

Served May 6, 1977

Application of HIGHVIEW BUS)
SERVICE, INC., for a Certificate)
of Public Convenience and)
Necessity - Regular Route)

Application No. 977

Docket No. 362

By Application No. 977, filed January 5, 1977, Highview Bus Service, Inc., (Highview) of Capitol Heights, Md., seeks a certificate of public convenience and necessity to transport passengers, over four regular routes, between the Government Printing Office (GPO) H Street, N. W., Washington, D. C., on the one hand, and, on the other, Penn-Mar Shopping Center, District Heights, Md.; Woolco Department Store, New Carrollton, Md.; Greenbelt Shopping Center, Greenbelt, Md.; and Capitol Plaza, Bladensburg, Md. Buses would depart from the Maryland points at approximately 7 a.m. each weekday morning (except holidays), for arrival at GPO at 7:30 a.m. and return service would depart GPO at 4:35 p.m. Applicant initially proposed to charge each rider \$24.00 for a monthly commuter pass which would entitle the bearer to transportation at any time during the month shown thereon. Service would be performed in school-type buses, each seating 40 passengers.

Pursuant to Order No. 1638, served December 22, 1976, and incorporated herein by reference, the Commission granted Highview temporary authority to perform the above-described operations. Prior to this time, Highview had been providing such service for approximately three years, and asserts that it did not know until December 9, 1976, that it required authority therefor from this Commission. When so informed, Applicant ceased operations and filed its application for temporary authority.

Pursuant to Order No. 1644, served January 26, 1977, the Commission scheduled a public hearing to commence on Thursday, March 31, 1977, at 9:30 a.m. in the hearing room of the Commission. The staff of the Commission prepared and introduced at this hearing bus inspection reports for four of Highview's buses. These reports indicated that Applicant's buses are in good condition, clean and properly maintained.

Applicant introduced at the hearing its statement of financial condition as of February 28, 1977. Applicant showed assets of \$55,690, current liabilities of \$9,242 and \$3,475 in loans to be repaid to stockholders. Applicant also introduced a projected income statement for one year. It showed anticipated income of \$48,000, anticipated expenses of \$33,936 and a total anticipated profit of \$14,064.

At the hearing Highview testified that the qualifications of its drivers conformed to the standards set forth by the Department of Transportation, Bureau of Motor Carriers Safety, as well as to the standards set by the Department of Transportation of Maryland. Highview further testified that it was now seeking authority to charge each rider \$25 for a monthly commuter pass.

Applicant's witnesses testified to the need for the service proposed by Highview, the excellence of Highview's services to date, and that no other carrier provides comparable service.

FINDINGS AND CONCLUSIONS

The findings to be made by the Commission, after hearing, with respect to an application for a certificate of public convenience and necessity are set forth in Title II, Article XII, Section 4(b) of the Compact. Essentially, the Commission must make two separate findings. First, the applicant must be "fit, willing and able" to perform the proposed transportation properly and to conform to the provisions of the Compact and the rules, regulations, and requirements of the Commission thereunder. Second, the proposed transportation ". . . must be or will be required . . ." by the public convenience and necessity.

The Commission finds that the applicant is fit, willing and able to perform the proposed transportation properly and to conform to the provisions of the Compact and the rules, regulations, and requirements thereunder. The evidence shows that Applicant's buses are clean and in good condition, that Applicant's drivers are well qualified, and that Applicant has rendered excellent service over the proposed routes to date. Applicant, although it provided the proposed service for several years without a certificate of public convenience and necessity, immediately took the necessary steps to obtain the proper authority from the Commission upon notification that such was required. Considering the facts and circumstances of this case, the Commission finds that Applicant is fit, willing and able properly to provide the proposed service.

The Commission also finds that the proposed transportation is required by the public convenience and necessity. The testimony of Applicant's witnesses has clearly demonstrated the need for the proposed service. A considerable number of passengers depend on Applicant's service for transportation to and from work, and no other carrier is providing a comparable service.

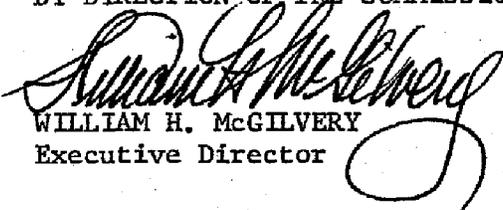
The final determination to be made by the Commission is whether the proposed tariff is "unjust, unreasonable, or unduly preferential or unduly discriminatory either between riders or sections of the Metropolitan District." See Compact, Title II, Article XII, Section 6(a)(2). The Commission finds that Applicant's proposed tariff and rate of \$25 for a monthly commuter pass on the proposed service is just and reasonable. The Commission notes, however, that the proposed tariff originally filed herein reflects a rate of \$24 for a monthly commuter pass. Accordingly, Applicant shall be required to file a revised tariff within 20 days of the service of this order.

One further matter requires discussion. Highview is primarily a school bus operator providing exempt transportation within the meaning of the Compact, Title II, Article XII, Section 1(a)(3). With respect to the vehicles used in the certificated service authorized herein, Highview is specifically advised that the aforementioned exemption no longer shall apply to these vehicles. See Order Nos. 521 and 1593, served September 2, 1965, and August 13, 1976, respectively. Highview is further advised that it may not use such vehicles for the otherwise exempt transportation of school children and teachers unless and until an appropriate certificate of public convenience and necessity therefor is issued by this Commission.

THEREFORE, IT IS ORDERED:

1. That Application No. 977 of Highview Bus Service, Inc., be, and it is hereby, granted.
2. That Certificate of Public Convenience and Necessity No. 42 be, and it is hereby issued to Highview Bus Service, Inc., as attached hereto and made a part hereof.
3. That Highview Bus Service, Inc., within 20 days from the date of service of this order, file its WMATC Tariff No. 1, to be effective upon acceptance by the Executive Director.
4. That the temporary authority granted to Highview Bus Service, Inc., by Order No. 1638, served December 22, 1976, be, and it is hereby, revoked, effective 20 days from the date of service hereof.

BY DIRECTION OF THE COMMISSION:


WILLIAM H. MCGILVERY
Executive Director

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

NO. 42

HIGHVIEW BUS SERVICE, INC.

CAPITOL HEIGHTS, MARYLAND

By Order No. 1682 of the Washington Metropolitan Area Transit Commission issued May 6, 1977;

AFTER DUE INVESTIGATION, it appearing that the above-named carrier is entitled to receive authority from this Commission to engage in the transportation of passengers within the Washington Metropolitan Area Transit District as a carrier, for the reasons and subject to the limitations set forth in Order No. 1682;

THEREFORE, IT IS ORDERED that the said carrier be, and it is hereby, granted this certificate of public convenience and necessity as evidence of the authority of the holder thereof to engage in transportation as a carrier by motor vehicle; subject, however, to such terms, conditions and limitations as are now, or may hereafter, be attached to the exercise of the privilege granted to the said carrier.

IT IS FURTHER ORDERED that the transportation service to be performed by the said carrier shall be as specified below:

REGULAR ROUTES:

(1) Between Penn-Mar Shopping Center, District Heights, Md., and the Government Printing Office, North Capitol and H Streets, N. W., Washington, D. C., serving no intermediate points.

From Penn-Mar Shopping Center over Marlboro Pike to Benning Road, thence over Benning Road to East Capitol Street, thence over East Capitol Street to C Street, N. E., thence over C Street, N. E., to Massachusetts Avenue, N. E., thence over Massachusetts Avenue, N. E., to North Capitol Street, thence over North Capitol Street to H Street, N. W., thence over H Street, N. W., to the Government Printing Office, and return over the same route;

(2) Between Woolco Department Store, New Carrollton, Md., and the Government Printing Office, North Capitol and H Streets, N. W., Washington, D. C., serving no intermediate points.

From New Carrollton over Maryland Highway 450 to the Baltimore-Washington Parkway, thence over the Baltimore-Washington Parkway to New York Avenue, thence over New York Avenue to North Capitol Street, thence over North Capitol Street to the Government Printing Office, and return over the same route;

(3) Between Greenbelt Shopping Center, Greenbelt, Md., and the Government Printing Office, North Capitol and H Streets, N. W., Washington, D. C., serving no intermediate points.

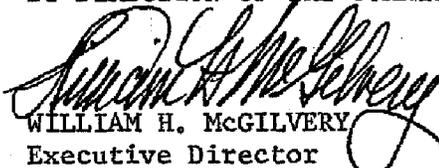
From Greenbelt over Breenbelt Road to the Baltimore-Washington Parkway, thence over the Baltimore-Washington Parkway to New York Avenue, thence over New York Avenue to North Capitol Street, thence over North Capitol Street to the Government Printing Office, and return over the same route; and

(4) Between Capitol Plaza, Bladensburg, Md., and the Government Printing Office, North Capitol and H Street, N. W., Washington, D. C., serving no intermediate points.

From Capitol Plaza over Maryland Highway 450 to the Baltimore-Washington Parkway, thence over the Baltimore-Washington Parkway to New York Avenue, thence over New York Avenue to North Capitol Street, thence over North Capitol Street to the Government Printing Office, and return over the same route.

IT IS FURTHER ORDERED and made a condition of this certificate that the holder thereof shall render reasonable, continuous and adequate service to the public in pursuance of the authority granted herein, and that failure to do so shall constitute sufficient grounds for suspension, change or revocation of the certificate.

BY DIRECTION OF THE COMMISSION:


WILLIAM H. MCGILVERY
Executive Director