

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1757

IN THE MATTER OF:

Served October 14, 1977

Investigation of Compliance by)
SUBURBAN TRANSIT COMPANY with)
Certificate No. 29 and the Compact,)
Rules, Regulations, and Orders of)
the Commission)

Docket No. 317

By Order No. 1485, served January 7, 1976, Suburban Transit Company (Suburban) was granted Certificate of Public Convenience and Necessity No. 29 to transport passengers in special operations, over irregular routes as follows:

From Gaithersburg, Md., Rockville, Md., Wheaton, Md., Reston, Va., Tyson's Corner, Va., Springfield, Va., or points in Washington, D. C., located at 16th and Kennedy Streets, N. W., and 4th and Michigan Avenue, N. E., to the Capital Centre, Largo, Md., and return.

Suburban's certificate requires that the holder render reasonable, continuous and adequate service. Failure to do so constitutes sufficient grounds for suspension, change, or revocation of the certificate.

On February 27, 1976, Suburban informed the Commission in writing that a letter had been sent to the Capital Centre advising that there would be no further shuttle transportation to certain sports events at the Capital Centre as of Wednesday, February 25, 1976. The letter specifies that the action was the result of Capital Centre's failure to provide certain promised advertisement of the service.

Pursuant to Order No. 1515, served March 12, 1976, and incorporated herein by reference, the Commission scheduled a hearing for March 30, 1976, to determine whether Suburban is in wilful violation of the Compact.

At the hearing Suburban's president testified that Suburban did not provide continuous service to the Capital Centre between February 25, 1976, and March 30, 1976. He further testified that he was unaware of the requirement that Suburban provide reasonable, continuous and adequate service, but that Suburban intended to provide the required service in the future. Accordingly, it appears that Suburban is not in wilful violation of the Compact.

Normally, the above determination would warrant discontinuance of this proceeding. However, on March 27, 1977, Suburban filed a letter requesting modification of its certificate to exclude service to certain events at the Capital Centre which cater to selective groups of the general public and to temporarily eliminate its operation from points in Northern Virginia.

Pursuant to Title II, Article XII, Section 4(g) of the Compact, the Commission shall schedule a hearing on the above-referenced request. Suburban shall be assessed a sum preliminarily estimated to cover the expense of the said hearing, pursuant to the Compact, Title II, Article XII, Section 19. Additionally, Suburban shall be directed to prepare a special report, pursuant to Title II, Article XII, Section 10(a) of the Compact, showing (a) the points to and from which passengers were transported on each date during the period January 1, 1977, through June 30, 1977, inclusive, and the regular routes, if any, traversed during such operations, and (b) a description, together with corresponding maps, of such regular routes, if any, over which applicant proposes to provide service pursuant to the proposed modification of its certificate.

THEREFORE, IT IS ORDERED:

1. That further hearing in the above-docketed proceeding be, and it is hereby, scheduled to commence Wednesday, December 14, 1977, at 1:00 p.m., in the hearing room of the Commission, Room 314, 1625 I Street, N. W., Washington, D. C. 20006.

2. That Suburban Transit Company publish once, in a newspaper of general circulation in the Metropolitan District, notice of said hearing in the form prescribed by the staff of the Commission no later than Tuesday, November 15, 1977, and present at the hearing a certificate of publication from the selected newspaper.

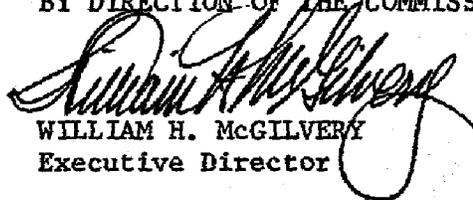
3. That Suburban Transit Company post in each of its vehicles, continuously through the date of the public hearing, notice of this hearing in the form prescribed by the staff of the Commission, no later than Tuesday, November 15, 1977, and present at the hearing a certification of posting.

4. That any person desiring to be heard on this matter shall notify the Commission in writing no later than Monday, November 28, 1977, and shall mail a copy of such notice to Posie J. Preston, Jr., President, Suburban Transit Company, 1778 Lang Place, N. E., Washington, D. C. 20002.

5. That Suburban Transit Company file five copies, the original to be produced at the hearing, of the special report herein before required, no later than 12 noon, Monday, December 5, 1977, and also mail a copy of said report, no later than Monday, December 5, 1977, to each party of record as of Monday, November 28, 1977.

6. That Suburban Transit Company 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, Suite 316, 1625 I Street, N. W., Washington, D. C. 20006, on or before 12 noon, Monday, December 5, 1977.

BY DIRECTION OF THE COMMISSION:



WILLIAM H. MCGILVERY
Executive Director

