

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1827

IN THE MATTER OF:

Served March 31, 1978

Application of RODGERS E. JOHNSON)
T/A J & J BUS SERVICE for)
Certificate of Public Convenience)
and Necessity to Perform Regular)
Route Operations - Prince Georges)
County, Md.)

Case No. AP-78-4

Application of RODGERS E. JOHNSON)
T/A J & J BUS SERVICE for)
Temporary Authority to Perform)
Regular Route Operations - Prince)
Georges County, Md.)

Case No. AP-78-5

By Case Nos. AP-78-4 and AP-78-5, filed February 14, 1978, Rodgers E. Johnson, trading as J & J Bus Service (Johnson), seeks a certificate of public convenience and necessity and temporary authority, pursuant to the Compact, Title II, Article XII, Sections 4(b) and 4(d)(3), respectively, to perform regular-route operations from intersection of Horsehead Road and Maryland Highway 381 to the Washington Navy Yard, and return, serving all intermediate points over the following routes:

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.,*/ thence over Interstate Highway

*/ We note that pursuant to WMATC Certificate of Public Convenience and Necessity No. 39, Johnson already has authority to provide service over this part of the sought regular route.

295 to junction N Street, S.E., thence over N Street, S.E., to junction Interstate Highway 395, thence over Interstate Highway 395 to junction 1st Street, S.W., thence over 1st Street, S.W., to junction Independence Avenue, thence over Independence Avenue to junction 12th Street, S.W., thence over 12th Street, S.W., to junction Constitution Avenue, thence over Constitution Avenue to junction Virginia Avenue, thence over Virginia Avenue to junction 23rd Street, N.W., thence over 23rd Street, N.W., to junction K Street, N.W., thence over K Street, N.W., to Farragut Square, serving intermediate points on Maryland Highway 381, Cedarville Road, U.S. Highway 301, Maryland Highway 5, 1st Street, S.W., Independence Avenue, 12th Street, S.W., Constitution Avenue, Virginia Avenue, 23rd Street, N.W., and K Street, N.W., and Duley's Restaurant located near the junction of Maryland Highways 5, 373, and 381, Clinton Shopping Center located near the junction of Maryland Highways 5 and 223, and the Washington Navy Yard located in southeast Washington, D. C., as off-route points, and return over the same route.

Restricted to passengers traveling between points in Prince Georges County, Md., on the one hand, and, on the other, points in the District of Columbia.

Johnson proposes to transport passengers and baggage, mail and express, in the same vehicles with passengers, over the above-described route in two buses during commuter rush hours. Johnson proposes per capita fares varying between \$.75 and \$1.80 for a one-way trip and between \$10 and \$22.50 for a ten-ride commutation ticket.

Johnson alleges that there is an immediate and urgent need for the proposed service. In support of this position, Johnson has submitted various unverified letters from persons who express a need for the proposed service.

Atwood's Transport Lines, Inc. (Atwood's), filed its protest on March 10, 1978, to the above-referenced application for temporary authority. Atwood's asserts that the requested regular route is duplicative of service presently being provided by Atwood's.

Title II, Article XII, Section 4(b) of the Compact provides that an application for a certificate of public convenience and necessity may be granted "after hearing held upon reasonable notice". The Commission shall, therefore, schedule a public hearing on the above-referenced application for a certificate of public convenience and necessity. Johnson will be assessed an amount preliminarily estimated to cover the cost of the hearing in accordance with Title II, Article XII, Section 19 of the Compact.

Title II, Article XII, Section 4(d)(3) of the Compact authorizes the Commission to grant temporary authority, with or without hearing and in its discretion, to enable the provision of a service for which there is an immediate and urgent need, and where there is no carrier service capable of meeting such need. The Commission believes that Atwood's assertion that the service for which temporary authority is requested is largely duplicative of its own, raises a substantial question as to whether there is a carrier service capable of meeting the alleged need. Accordingly, Johnson's application for temporary authority shall also be scheduled for hearing.

THEREFORE, IT IS ORDERED:

1. That Case Nos. AP-78-4 and AP-78-5 of Rodgers E. Johnson, trading as J & J Bus Service (Johnson) for a certificate of public convenience and necessity and temporary authority be, and they are hereby, scheduled for public hearing to commence at 9:30 a.m., Tuesday, April 25, 1978, in the Hearing Room of the Commission, Room 314, 1625 I Street, N. W., Washington, D. C. 20006.

2. That applicant be, and it is hereby, directed to publish once, in a newspaper of general circulation in the Metropolitan District, notice of Case Nos. AP-78-4 and AP-78-5, in the form prescribed by the staff of the Commission no later than Friday, March 31, 1978.

3. That applicant be, and it is hereby, directed to post in each of its vehicles, continuously through the date of the public hearing, notice of said applications and hearing in the form prescribed by the staff of the Commission no later than Friday, March 31, 1978.

4. That applicant be, and it is hereby, directed to produce at said hearing affidavits of said publication and posting.

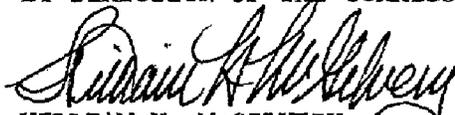
5. That any person desiring to protest shall file a protest in accordance with Commission Rule 14, or any person desiring to be heard in these matters shall so notify the Commission, in writing, no later than Monday, April 10, 1978, and shall mail a copy of said protest or notice to counsel for applicant, Lawrence E. Lindeman, Esquire, 425 - 13th Street, N. W., Suite 1032, Washington, D. C. 20004.

6. That applicant be, and it is hereby directed to file with the Commission six copies of a projected revenue and revenue deductions statement for the proposed service, the original to be produced at the above-scheduled public hearing, no later than Wednesday, April 19, 1978, and to serve a copy thereof on each party of record as of Monday, April 10, 1978.

7. That applicant be, and it is hereby assessed \$250 pursuant to Title II, Article XII, Section 19 of the Compact, and directed to deliver

said amount to the office of the Commission, Suite 316, 1625 I Street,
N. W., Washington, D. C. 20006, no later than 12 noon, Wednesday,
April 19, 1978.

BY DIRECTION OF THE COMMISSION:


WILLIAM H. MCGILVERY
Executive Director