

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1889

IN THE MATTER OF

Served September 28, 1978

Application of AMERICAN UNIVERSITY)
TRANSIT ORGANIZATION for a Certif-)
icate and Temporary Authority to)
Perform Special Operations)

Case No. AP-78-29

By application filed September 8, 1978, American University Transit Organization (AUTO), a part of the Student Confederation of American University (AU), seeks a certificate of public convenience and necessity and temporary authority to transport passengers in special operations, over irregular routes, between AU, on the one hand, and, on the other, Capitol Hill (House side of U. S. Capitol), Georgetown University Library/Georgetown (Healey Circle at Georgetown University Campus and intersection of Wisconsin Avenue, N. W., and Prospect Street, N. W., Washington, D. C.), Tysons Corner Shopping Center, McLean, Va., and White Flint Mall, Rockville, Md.

Applicant proposes to operate between AU and Capitol Hill on Tuesdays, Thursdays, and Fridays with one run in the morning and one in the afternoon. The Georgetown Library service would be run Wednesday evening and again Wednesday night and the Georgetown Library/Georgetown service would operate Saturday afternoons. AUTO would charge \$.25 per passenger for each of the above trips for one-way passage. Service to the shopping centers would be performed mid-day each Saturday, the particular shopping center destination depending upon a majority vote of the passengers. The proposed tariff is \$.50 per person for one-way transportation.

AUTO would provide service only for students, staff, and personnel who hold a valid AU identification card. A 1974 small bus seating 25 passengers and a 1977 van seating 17 passengers would be used to provide transportation.

In support of the application AUTO states that there is an immediate and urgent need for the service to offer students and staff a direct, inexpensive scheduled service to frequently-traveled local points.

A copy of the application has been served upon the Washington Metropolitan Area Transit Authority (WMATA) which has stated that it does not oppose the proposed service.

Title II, Article XII, Section 4(d)(3) of the Compact provides that temporary authority may be granted where there is an immediate and urgent need for the proposed service and there is no carrier service capable of meeting such need. Inasmuch as applicant has met these statutory criteria, temporary authority shall be granted.

With regard to the request for a certificate of public convenience and necessity, pursuant to the requirements of the Compact, Title II, Article XII, Section 4(b), this application must be scheduled for public hearing. At that time it will be incumbent upon AUTO to develop the record sufficiently to enable the Commission to determine the number of passengers expected to use the service, the ridership actually using the service under the temporary authority operations and the source and amount of any and all subsidies pledged to the transit organization. AUTO must also be prepared to respond to the question of whether, and to what extent, the Commission is required to accommodate the proposed service and schedules to WMATA rail service, as set forth in Title III, Article XII, Section 56(b) of the Compact, D. C. Code (1973 Ed.) §1-1431 and note. Specifically, the issue involves the possible need to structure the AUTO service between AU and Capitol Hill by linking bus service between AU and a nearby Metrorail station with rail service between that station and the Capitol Hill station.

Additionally, applicant shall be required to publish notice in a newspaper and in its vehicles of the scheduled hearing, and will be assessed a sum preliminarily estimated to cover the cost of the proceeding in accordance with the Compact, Title II, Article XII, Section 19. Applicant will be required to submit in advance a statement of projected revenues and expenses for the proposed operation for a one-year period.

THEREFORE, IT IS ORDERED:

1. That American University Transit Organization is hereby granted temporary authority to perform special operations, over irregular routes, transporting passengers between American University on the one hand, and, on the other, the United States Capitol (House of Representatives side), Georgetown University Library at Healey Circle, intersection of Prospect Street, N. W., and Wisconsin Avenue, N. W., Washington, D. C., Tysons Corner Shopping Center, McLean, Va., and White Flint Mall, Rockville, Md. The authority granted is restricted to the transportation of students, staff and personnel holding a valid American University identification card.

2. That American University Transit Organization is hereby directed to file, within seven days from the date of service hereof, (a) two copies of WMATC Temporary Authority Tariff No. 1, in accordance with Commission Regulation 55, (b) an appropriate certificate of insurance as required by Commission Regulation No. 62, as amended, and (c) an affidavit stating that its vehicles are identified in accordance with Commission Regulation No. 68.

3. That the temporary authority granted herein shall be effective upon receipt of the certificate of insurance and the affidavit of vehicle identification, and acceptance of the tariff by the Executive Director, and shall continue in effect through February 28, 1979, unless otherwise ordered by the Commission.

4. That unless applicant complies with the mandates of ordering paragraph No. 2 within the time established, or within such additional time as may be authorized by the Commission, the grant of temporary authority herein shall be considered null and void and the application for temporary authority shall stand denied in its entirety effective upon the expiration of the said compliance time.

5. That the application of American University Transit Organization for a certificate of public convenience and necessity is scheduled for public hearing to commence at 9:30 a.m., Tuesday, November 14, 1978, in the Hearing Room of the Commission, Room 314, 1625 I Street, N. W., Washington, D. C. 20006.

6. That American University Transit Organization publish once in a newspaper of general circulation in the Metropolitan District notice of this application and hearing in the form prescribed by the staff of the Commission no later than Friday, October 13, 1978.

7. That American University Transit Organization post in its vehicles, continuously through the date of the public hearing, notice of said application and hearing in the form prescribed by the staff of the Commission no later than Friday, October 13, 1978.

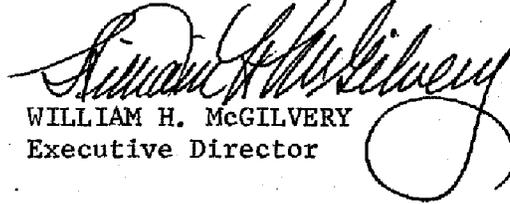
8. That American University Transit Organization produce at the hearing affidavits of publication and posting.

9. That any person desiring to protest shall file a protest in accordance with Commission Rule 14, or any person desiring to be heard in this matter shall so notify the Commission, in writing, no later than Friday, November 3, 1978, and shall mail a copy of said protest or notice to representative for applicant, Peter Heimsath, American University Student Confederation, Room 319, Mary Grayden Center, Massachusetts and Nebraska Avenues, N. W., Washington, D. C. 20016.

10. That American University Transit Organization 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 12 noon, Monday, November 6, 1978, and to serve a copy thereof on each party of record as of Friday, November 3, 1978.

11. That American University Transit Organization is 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, Monday, November 6, 1978.

BY DIRECTION OF THE COMMISSION:


WILLIAM H. MCGILVERY
Executive Director