

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 2241

IN THE MATTER OF:

Served July 13, 1981

Application of GOLD LINE, INC., \*/ )  
for Exemption of Regular-Route )  
Operations from WMATC Regulation )

Case No. AP-81-03

By application (motion) filed March 18, 1981, Gold Line, Inc., \*/ seeks a ruling that all of its regular-route operations between Washington, D. C., and Lexington Park, Md., are exempt from regulation by this Commission. At present, the Interstate Commerce Commission (ICC) has jurisdiction over transportation between Washington, D. C., on the one hand, and, on the other, points on that part of the regular route located in Charles and St. Mary's Counties, Md., while this Commission regulates operations conducted within the Metropolitan District, namely between points in the District of Columbia and Prince George's County, Md. A hearing on the matter was scheduled for public hearing on May 28, 1981. No person filed a protest to the application, and pursuant to Commission Rule No. 22-01, applicant filed a request to waive the public hearing and proceed on the evidence of record. The public hearing was cancelled.

Gold Line originally had been granted authority for this regular route by the ICC, but was granted a "grandfather" certificate by this Commission when the Compact became effective. At that time the ICC's jurisdiction was suspended to the extent indicated above. As pertinent here Title II, Article XII, Section 1(a)(4) of the Compact provides that

[t]his Act shall apply to the transportation for hire by any carrier of persons between any points in the Metropolitan District and to the persons engaged in rendering or performing such transportation service, except \*\*\* transportation performed in the course of an operation over a regular route, between a point

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\*/ By letter received June 12, 1981, the Commission has been informed that Atwood's Transport Lines, Inc., has changed its corporate name to Gold Line, Inc. Commission records will be amended to reflect the change and an amended Certificate of Public Convenience and Necessity No. 14 will be issued.

in the Metropolitan District and a point outside the Metropolitan District, including transportation between points on such regular route within the Metropolitan District as to interstate and foreign commerce, if authorized by certificate of public convenience and necessity or permit issued by the Interstate Commerce Commission, and any carrier whose only transportation within the Metropolitan District is within this exemption shall not be deemed to be a carrier subject to the Compact provided, however, if the primary function of a carrier's entire operations is the furnishing of mass transportation service within the Washington Metropolitan Area Transit District, then such operations in the District shall be subject to the jurisdiction of the Commission.

Gold Line states that ". . . the primary function of (its) entire operations is not the furnishing of mass transportation services within the Washington Metropolitan Area Transit District, but instead is the furnishing of various interstate motor bus services, all of which are subject to the jurisdiction of the Interstate Commerce Commission." Concerning the regular-route operations, a two-day study showed that only about 15 percent of the passengers moved between points in the Metropolitan District whereas 85 percent of the passengers traveled to points outside WMATC jurisdiction. Approximately 30 percent of the regular route (19 miles) is within the confines of the Metropolitan District.

With respect to Gold Line's over-all operations, the mileage subject to WMATC jurisdiction in 1980 was 714,926 miles out of a total of 3,707,649 revenue miles. Revenue from WMATC service was \$4,349,695 of total system operating revenue of \$9,045,339 in 1980. Apportioning regular-route revenue specifically, in 1980 \$9,910 was attributable to WMATC service while \$320,416 came from service to points outside the Metropolitan District.

Taken as a whole, it appears that the primary function of Gold Line's entire operations does not arise from the furnishing of mass transportation service in the Metropolitan District within the meaning of Title II, Article XII, Section 1(a)(4) of the Compact. Accordingly, the Commission finds that Gold Line's regular-route operations between Washington, D. C., and Lexington Park, Md., are exempt from regulation by this Commission. An amended tariff including the involved regular route must be filed by Gold Line with the ICC. Evidence of its acceptance and a revised tariff (excluding the regular route) must then be filed with this Commission. A modified certificate of public convenience and necessity will be issued in the name of Gold Line, Inc., upon acceptance for filing of the revised WMATC tariff.

THEREFORE, IT IS ORDERED:

1. That Certificate of Public Convenience and Necessity No. 14, issued to Atwood's Transport Lines, Inc., pursuant to Order No. 1912, on February 2, 1979, will be terminated to the extent set forth above upon a showing that the described regular-route service is included in an accepted tariff filing with the Interstate Commerce Commission.

2. That Gold Line, Inc. (successor to Atwood's Transport Lines, Inc.) is hereby directed to file two copies of its WMATC Tariff No. 33 cancelling WMATC Tariff No. 32 and deleting heretofore approved rates for regular-route service between Washington, D. C., and the Prince George's-Charles County, Md., boundary line contemporaneous with the filing required in the immediately preceding paragraph.

3. That upon acceptance of an appropriate tariff, a revised Certificate of Public Convenience and Necessity No. 14 shall be issued to Gold Line, Inc., to cancel and supercede the certificate issued on February 2, 1979, pursuant to Order No. 1912.

BY DIRECTION OF THE COMMISSION, COMMISSIONERS CLEMENT, SCHIFTER AND SHANNON:

  
WILLIAM H. MCGILVERY  
Executive Director

