

BEFORE THE
WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 308

THE MATTER OF:

Served September 20, 1963

ication of the Washington, Virginia)
Maryland Coach Company, Inc., d/b/a)
W. & M. Coach Company, for a Certifi-)
of Public Convenience and Necessity.) Application No. 60

The Commission has heretofore, by Order No. 291, served
on September 8, 1963, referred this matter to an examiner for processing and
issuance of proposed certificate.

There follows hereafter the report and proposed certifi-
cate as prepared by Examiner Russell W. Cunningham. Any interested
person may file exceptions thereto in accordance with the rules of
practice and procedure and regulations of this Commission.

PROPOSED REPORT

The Washington, Virginia and Maryland Coach Company, Inc.
(sometimes W. V. & M.), Arlington, Virginia, seasonably filed an
application for a Certificate of Public Convenience and Necessity
pursuant to Section 4(a)¹ of Article XII of the Washington

(a) No person shall engage in transportation subject to this Act unless there is in force a certificate of public convenience and necessity issued by the Commission authorizing such person to engage in such transportation; provided, however, that if any person was bona fide engaged in transportation subject to this Act on the effective date of this Act, the Commission shall issue such certificate without requiring further proof that public convenience and necessity will be served by such operation, and without further proceedings, if application for such certificate is made to the Commission within 90 days after the effective date of this Act. Pending the determination of the Commission on such application, the continuance of such operation shall be lawful."

ORDER NO. 308

Metropolitan Area Transit Regulation Compact (Compact), alleging that it was, on March 22, 1961 (the effective date of the Compact), bona fide engaged in transporting passengers for hire in motor vehicles in regular route common carriage, and irregular, special, and charter operations. Filed as part of the application were various exhibits required by the Commission, including detailed descriptions of all regular routes, a list of vehicles, evidence of operating authority previously issued to it by the Interstate Commerce Commission (ICC) and the State Corporation Commission (SCC) of Virginia, financial data, and a statement setting forth the scope of the operating authority sought by this applicant.

The applicant is entitled by law to a certificate authorizing such transportation as it was bona fide engaged in on March 22, 1961. The following is a detailed description of the transportation performed by the applicant on that date as set forth in its application.

Regular Routes: Generally the applicant was engaged in regular route operations in intra-Virginia commerce in the City of Falls Church, and those portions of Arlington and Fairfax Counties, Virginia, north of a line running along U. S. Route 350 (Shirley Highway), Virginia Route 244, Virginia Route 236, Virginia Route 651 (Guinea Road), Virginia Route 620 (Braddock Road), and U. S. Route 29-211. This territory includes what was then the Town of Fairfax, but what is now the City of Fairfax. W. V. & M. was also engaged in interstate regular route common carriage between the above described Virginia locales and points and places in the District of Columbia. This transportation was conducted pursuant to authority issued by the ICC or under exemption provision of the Interstate Commerce Act. The District of Columbia Public

ORDER NO. 308

Utilities Commission (PUC) had authorized intra-District of Columbia operations from and to stops at the Jefferson Memorial. In addition, the PUC had specified, for traffic control purposes, those routes to be utilized by the applicant from the D. C. boundary to its D. C. terminal. W. V. & M. did not conduct regular route operations within the State of Maryland. Passengers travelling from the District of Columbia to points and places in Virginia were picked up at any point on its routes. Section 1(b), Article XII, Compact, exempts intrastate Virginia commerce from the jurisdiction of this Commission leaving such transportation with the Virginia State Corporation Commission.

Irregular Routes, Charter, and Special Operations: Under the laws of the District of Columbia any person could transport passengers for hire over irregular routes in charter and special operations within the District of Columbia merely by securing the proper license plates and fulfilling registration requirements. No showing of public convenience and necessity was required.

The Virginia Commission had issued to W. V. & M. a certificate authorizing special and charter parties from all points in Virginia to all points in Virginia.

Under the Interstate Commerce Act transportation of passengers in charter and special operations was broken down into three categories: first, Section 208(c) provides that any common carrier transporting passengers under a certificate issued under Part II could transport to any place special or charter parties. The word parties has been construed by the ICC to exclude individual ticket sales. This Section confers the so-called "incidental" rights. Secondly, Section 207(a)

ORDER NO. 308

provides for charter and special operations under specific authority. It is this type of authority which carries with it the right to sell transportation to individuals. Thirdly, Section 203(b)(8) of the Act, commonly known as the Commercial Zone Exemption, provides that transportation of passengers within a municipality or between contiguous municipalities, or within a zone adjacent to and commonly a part of those municipalities, is exempt from the certificate requirement of the Act, provided that the motor carrier engaged in the interstate commerce is also lawfully engaged in the intrastate transportation of passengers over the entire length of the interstate route. Transportation performed under this exemption could be sold on a party or individual basis.

The applicant had also been issued a certificate to engage in irregular route special operations during the racing season between Falls Church, Virginia, and those points in Arlington and Fairfax Counties served on its regular routes on the one hand, and on the other, (1) the race track at Marlboro, Maryland, (2) the raceway at Rosecroft, Maryland, (3) the race track at Bowie, Maryland, and (4) the race track at Laurel, Maryland.

Actual operations as of March 22, 1961 appear to include charter and special operations, including sightseeing, by parties only (and not by the sale of individual tickets in sightseeing and other special operations), except the special operations to the race tracks hereinabove described. It further appears that W. V. & M. originated charter and special operations from the District of Columbia, the City

ORDER NO. 308

of Falls Church, that portion of Arlington and Fairfax Counties north of a line running along the highways hereinabove described in the discussion of regular route operations. It further appears that the applicant did not originate charter trips within the State of Maryland. It is the opinion of the examiner that the following proposed certificate embraces all of the transportation engaged in by the applicant on March 22, 1961 that is subject to the jurisdiction of this Commission.

PROPOSED CERTIFICATE

It is recommended that a Certificate of Public Convenience and Necessity be granted to the Washington, Virginia & Maryland Coach Company, d/b/a W. V. & M. Coach Company, to transport passengers for hire as follows:

A. Regular Route Common Carrier Operations:

Passengers and their baggage, express, and newspapers in the same vehicle:

1. Between Washington, D. C. and points and places in Arlington and Fairfax Counties, Virginia, north of a line running along U. S. Route 350 (Shirley Highway), Virginia Route 244, Virginia Route 236, Virginia Route 651 (Guinea Road), Virginia Route 620 (Braddock Road), and U. S. Route 29-211.
2. Between Washington, D. C. and points and places in the City of Falls Church, Virginia.
3. Between Washington, D. C. and points and places within the City of Fairfax.

ORDER NO. 308

4. Within the District of Columbia for the purpose of receiving passengers on inbound trips or of discharging passengers on outbound trips at stops at the Jefferson Memorial.

Restriction: Except for the authorization contained in 4 above no passengers shall be picked up and discharged within the District of Columbia.

This service shall be operated over the routes described in Application No. 60 which have heretofore been received and given File Numbers. Some of these routes have been amended by Commission order and are so reflected in current File Numbers. Any minor changes in or deviations of said routes shall be in accordance with the rules and regulations of this Commission.

B. Irregular Routes:

Passengers and their baggage:

Special Operations:

Between all points and places in the Washington Metropolitan Area Transit District as defined by the Washington Metropolitan Area Transit Regulation Compact.

Restrictions:

1. The service herein authorized is restricted against the transportation of passengers and their baggage between any two points in the State of Maryland.

ORDER NO. 308

2. The service herein authorized is restricted against the transportation of passengers and their baggage from points and places in the State of Maryland to points and places in the District of Columbia and Commonwealth of Virginia.
3. Special operations may be originated at points and places on the carrier's regular routes specified herein; that portion of Arlington and Fairfax Counties, Virginia north and west of U. S. Highway 350 (Shirley Memorial Highway) to Arlington County Line, over Virginia State Highway 244 to Annandale, Virginia State Highway 236 to Guinea Road (Route 651), to Braddock Road (Route 620), to intersection U. S. Highway 29-211, over 29-211 to Fairfax County Line.

C. Charter Operations:

Passengers and their baggage in the same vehicle:

Between all points and places in the Washington Metropolitan Area Transit District as defined by the Washington Metropolitan Area Transit Regulation Compact.

Restrictions:

1. The service herein authorized is restricted against the transportation of passengers and their baggage in charter operations originating at points and places in the State of Maryland.

ORDER NO. 308

2. Charter operations may be originated at points and places on the carrier's regular route specified herein; that portion of Arlington and Fairfax Counties, Virginia north and west of U. S. Highway 350 (Shirley Memorial Highway) to Arlington County Line, over Virginia State Highway 244 to Annandale, Virginia State Highway 236 to Guinea Road (Route 651), to Braddock Road (Route 620), to intersection U. S. Highway 29-211, over 29-211 to Fairfax County Line.

The above granted irregular route authority is for group or party only, and not individual, except for special operations to and from the racetracks described above.

Any repetition in the statement of the authority granted herein shall not be construed as conferring more than one operating right.

FOR THE COMMISSION:



DELMER ISON
Executive Director