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BEFORE THE
WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D.C.

ORDER NO. 466

IN THE MATTER OF:

Served April 8, 1965

Applications of D. C. Transit)	Application No. 297
System, Inc., for a Certificate)	
of Public Convenience and Neces-)	Application No. 303
sity to Serve Carrollton, Maryland,)	
Route B-7, and to Change and Extend)	Docket No. 78
its Route B-4 to Carrollton.)	
Applications of D. C. Transit)	Application No. 298
System, Inc., for a Certificate of)	
Public Convenience and Necessity)	Application No. 304
to Serve Bowie and Belair, Maryland,)	
Routes C-2, 4 and 6, and to Insti-)	Docket No. 79
tute Shuttle Service in Belair,)	
Route C-8.)	

APPEARANCES:

JOHN R. SIMS and GORDON A. PHILLIPS, Attorneys for D. C. Transit System, Inc.

DAVID C. VENABLE, Attorney for Atwood Transport Lines, Inc.

L. C. MAJOR, Attorney for Greyhound Lines, Inc.

STANLEY H. KAMEROW, Attorney for W M A Transit Company.

ANDREW COUCH, appearing for Division 1098, Amalgamated Transit Union.

This matter came before the Commission upon the applications of D. C. Transit System, Inc., hereinafter sometimes referred to as D. C. Transit, for a certificate of public convenience and necessity, authorizing regular route transportation of passengers over the following routes:

CARROLLTON EXPRESS LINE, ROUTE B-7:

INBOUND: From the intersection of Riverdale Road (Md. 412) and Lamont Drive, continue southeast on Riverdale Road, north on Mahoney Drive, east on Legation Road, northerly on 85th Avenue and Westbrook Drive, east on Oglethorpe Street, north on 85th Place, southwest on Sprague Place, west on Fairbanks Street, south on Lamont Drive, west on Riverdale Road (Md. 412), south on Kenilworth Avenue (Md. 201) and Kenilworth Avenue (D.C.), west on East Capitol Street, East Capitol Street Bridge, C Street, North Carolina Avenue, Constitution Avenue, Pennsylvania Avenue, and Constitution Avenue, north on 22nd Street, east on C Street and north on 21st Street to its intersection with Virginia Avenue.

OUTBOUND: From terminal stand on the north side of C Street, N.W., west of 21st Street, continue west on C Street, south on 22nd Street, east on Constitution Avenue, Pennsylvania Avenue, Constitution Avenue, North Carolina Avenue and C Street, south on 22nd Street, east on East Capitol Street Bridge and East Capitol Street, north on Kenilworth Avenue (D.C.) and Kenilworth Avenue (Md. 201) and east on Riverdale Road (Md. 412), north on Mahoney Drive, east on Legation Road, northerly on 85th Avenue and Westbrook Drive, east on Oglethorpe Street, north on 85th Place, southwest on Sprague Place, west on Fairbanks Street and south on Lamont Drive to its intersection with Riverdale Road (Md. 412).

EAST RIVERDALE-CHEVERLY LINE, ROUTES B-4, B-6 and B-8.

ROUTES B-6 and B-8 - NO CHANGE.

ROUTE B-4-DISCONTINUED PORTION:

OUTBOUND: From the intersection of Riverdale Road and 66th Avenue, south on 66th Avenue and east on Oliver Street to terminal stand located on the south side of Oliver Street, east of 66th Avenue.

INBOUND: From the terminal stand, east on Oliver Street, north on 67th Avenue, west on Patterson Street and north on 66th Avenue to Riverdale Road.

EXTENDED PORTION:

OUTBOUND: Over regular route to the intersection of Riverdale Road and 66th Avenue, thence continue east on Riverdale Road, north on Lamont Drive, easterly on Fairbanks Street and Sprague Place, south on 85th Place, west on Powhatan Street, southerly on Westbrook Drive and 85th Avenue to parking area in the 5400 block of 85th Avenue with a counter-clockwise loop through parking area to 85th Avenue.

INBOUND: Continue north on 85th Avenue, east on Oglethorpe Street, north on 85th Place, westerly on Sprague Place and Fairbanks Street, south on Lamont Drive west on Riverdale Road to its intersection with 66th Avenue, thence over regular route.

BOWIE -BELAIR LINE:

ROUTE C-2-OUTBOUND: From terminal on the east side of 12th Street, N.W., south of C Street, continue north on 12th Street, east on H Street, north on 6th Street, east on New York Avenue and north on Bladensburg Road to the D.C.-Maryland Line, thence continue easterly on Bladensburg Road, Annapolis Road (Md. 450), Lanham-Severn Road (Md. 564), and 9th Street, W. (Md. 564), south on Chestnut Avenue (Md. 197), and High Bridge Road and east on Annapolis Road (Md. 450) to the Belair Center.

INBOUND: From Belair Center continue westerly on Annapolis Road (Md. 450), north on High Bridge Road and Chestnut Avenue (Md. 197), westerly on 9th Street, W. (Md. 564), Lanham-Severn Road (Md. 564), Annapolis Road (Md. 450) and Bladensburg Road to the Maryland-D.C. Line, thence continue south on Bladensburg Road, west on New York Avenue and L Street, south on 10th Street, west on Constitution Avenue and north on 12th Street to the terminal.

ROUTE C-4-OUTBOUND: Over route described for C-2 to the intersection of Annapolis Road (Md. 450) and Lanham-Severn Road (Md. 564), thence continue east on Annapolis Road (Md. 450), to the Belair Center.

INBOUND: From the Belair Center, continue westerly on Annapolis Road (Md. 450), to its intersection with the Lanham-Severn Road (Md. 564), thence over route described for C-2.

ROUTE C-6-BOTH DIRECTIONS: Over the identical route shown for C-2 except for operation into the Glen Dale Sanitarium via Glen Dale Road.

ROUTE C-3-OUTBOUND: From terminal on the east side of 12th Street, N.W., south of C Street, continue north on 12th Street, east on H Street, north on 6th Street and east on New York Avenue to the D. C.-Maryland Line, thence continue northerly on the Baltimore-Washington Parkway and easterly on Annapolis Road (Md. 450), to the Belair Center.

INBOUND: From the Belair Center, continue westerly on Annapolis Road (Md. 450), and southerly on the Baltimore-Washington Parkway to the Maryland-D. C. Line, thence continue west on New York Avenue and L Street, south on 10th Street, west on Constitution Avenue and north on 12th Street to the terminal.

BELAIR SHUTTLE, ROUTE C-8:

Loop operation: From the Belair Shopping Center, through the parking area, south on Superior Lane and Buckingham Drive, northwest on Belair Drive, westerly on Kembridge Drive, northeast on Kenhill Drive, northerly on Belair Drive, Trinity Drive and Moyland Drive, easterly on Millstream Drive, continuing south on Millstream Drive and Stoneybrook Drive to the Belair Shopping Center.

Pursuant to a stipulation by the parties of record, these applications were consolidated for hearing purposes.

With minor exceptions, the authority sought by D. C. Transit is very similar to the authority sought by W M A Transit Company, hereinafter sometimes referred to as W M A, in Docket No. 69, in which Docket a decision, by Order No. 465, was entered this date.

The D. C. Transit applications were protested by W M A Transit Company; The Greyhound Lines, Inc., hereinafter sometimes referred to as Greyhound; Atwood Transport Lines, Inc., hereinafter sometimes referred to as Atwood; and Division 1098, Amalgamated Transit Union, hereinafter sometimes referred to as Transit Union.

Hearings on the D. C. Transit applications commenced on March 24, 1965, before an examiner, and ended on March 29, 1965, consuming a total of approximately three days. The record consists of 349 pages of oral testimony and some 33 exhibits. At the conclusion of the hearing the matter was submitted to the Commission for decision.

The parties to this proceeding stipulated that the testimony and exhibits offered in the Atwood and W M A cases, Docket Nos. 68 and 69, respectively, be incorporated by reference into the record of this proceeding.

A general statement of certain background information will clarify some of the basic issues involved in this proceeding.

For several years Greyhound has been providing inter-city bus service along the main highways connecting Washington, D. C., with Carrollton and Bowie, Maryland. During 1964, Greyhound made a decision to transfer its local operations in this area to Atwood. Under the contract between Greyhound and Atwood, Atwood agreed to purchase ten used buses from Greyhound and to pay Greyhound a 10% commission on all ticket sales for use of Greyhound's terminal facilities. Under this agreement, Atwood proposes to take over Greyhound's operations in the area, including operating over the same routes, charging the same fares and operating the same schedules as Greyhound. In turn, Greyhound agreed to apply to the appropriate authorities for abandonment of its existing operations in the area. To carry out the agreement, Atwood filed an application on November 4, 1964, with this Commission for a certificate of public convenience and necessity. Atwood offered the testimony of no public witnesses. The Commission this date is entering an order in the Atwood case, Order No. 465, denying the application. In its decision, the Commission concluded, among other things, that Greyhound's existing service is inadequate and, consequently, Atwood's proposed service was inadequate.

Shortly after Atwood filed its application, on November 18, 1964, W M A filed an application for a certificate of public convenience and necessity, authorizing operations over regular routes generally paralleling the existing routes of Greyhound, and in addition, sought authority to provide local service within the Cities of Bowie and Carrollton, Maryland. W M A also proposes to operate further into the downtown area of Washington, D.C., in the vicinity of the Federal Triangle. Greyhound's service terminates at 11th Street and New York Avenue, N.W., Washington, D. C.

D. C. Transit filed its first applications in this matter on January 4, 1965, and filed interrelated applications on January 25, 1965.

In support of its applications, D. C. Transit offered the testimony of its Assistant Vice President of Research and Development, Mr. William E. Bell, and seven public witnesses, including the Mayor of the City of Carrollton. The entire public testimony was confined to the needs for improved transportation between Carrollton and Washington, D. C., and for local transportation within the City of Carrollton. The Mayor of Carrollton testified that he personally had no preference as to which carrier performed the service, but that the official position of the City Council of Carrollton was in support of the W M A application. It is

unnecessary to discuss the testimony of the public witnesses since all of it was largely repetitive of the testimony offered in Docket Nos. 68 and 69, referred to herein and set forth in detail in Order No. 465. In general, the public witnesses were interested in improved bus service without stating a preference as to the carrier which should provide the service.

Protestant W M A offered the testimony of one public witness, Mayor Frank E. Wilson of Bowie, who testified that the Bowie City Council, after hearing a presentation by representatives of D. C. Transit in connection with D. C. Transit's application, had voted to continue its support of the W M A application and to oppose the D. C. Transit application. Protestant Greyhound offered the testimony of its Assistant Regional Manager, Mr. Virgil T. McKibben, in an effort to show that Greyhound's present service was adequate. One public witness, not sponsored by any party to this proceeding, testified that in his opinion, local service within Carrollton would not be patronized, but that perhaps some additional trips between Washington, D. C., and Carrollton were justified. Protestants Atwood and Transit Union did not offer any testimony in this proceeding, but relied on their testimony in Docket Nos. 68 and 69.

The Commission has found in Docket Nos. 68 and 69, as shown in Order No. 465, entered this date, that the public convenience and necessity requires substantial improvement in bus service in the Washington-Carrollton-Bowie area. The testimony offered by D. C. Transit in this proceeding merely corroborates this finding insofar as the need for local service within Carrollton and between Carrollton and Washington, are concerned. There was no testimony offered in this proceeding to warrant a finding contrary to the findings of the Commission in Docket Nos. 68 and 69 in relation to the Atwood application. In those Dockets, the Commission found, among other things, that the proposed service of Atwood was inadequate to meet the needs of the public.

The issue now becomes one of which carrier, other than Atwood, should be granted authority to render the service required by the present and future public convenience and necessity.

As has been previously noted, the Commission feels obligated to give Greyhound a reasonable opportunity to correct the service deficiencies found by the Commission to exist, prior to granting any authority to either D. C. Transit or W M A. If Greyhound does not make the necessary service improvements, then appropriate authority should be granted to either W M A or D. C. Transit.

In disposing of the D. C. Transit and W M A applications, the Commission is of the opinion that its orders should provide for the granting of a certificate of public convenience and necessity to one of these carriers in the event Greyhound does not elect to correct the service deficiencies.

Mr. William E. Bell testified extensively on behalf of D. C. Transit, advancing many reasons why D. C. Transit's application should be approved. Mr. Samuel A. Sardinia, Comptroller of W M A, testified extensively on behalf of W M A, advancing many reasons why the W M A application should be approved.

The testimony of Mr. Bell and Mr. Sardinia can best be discussed and findings entered thereon by a comparison and summary of the key issues involved.

Both D. C. Transit and W M A are adequately equipped, with both buses and personnel, as well as experience, to conduct a mass transit type operation in the area proposed to be served. No one questioned the financial ability of these carriers to render the proposed service. Thus, the Commission is of the opinion and finds that both W M A and D. C. Transit are financially fit and able to render the proposed service.

It is D. C. Transit's position that it would not be economically feasible for two carriers to operate in the area. W M A contends that it can operate its proposed service at a profit even if Greyhound continues to operate its present service. Of course, even if Greyhound does not elect to correct the several service deficiencies found by the Commission to exist, Greyhound may continue to operate as it is presently operating. In this event D. C. Transit contends that it would not be economically feasible for it to render its proposed service. In view of these circumstances, normally it would be unnecessary to discuss the other issues in reaching the decision rendered herein. However, a discussion of the other issues appears to be in order.

Insofar as the proposed routings are concerned, it appears that the proposals of either W M A or D. C. Transit would meet the needs of the public in the area. The Bowie City Council, as one of its reasons for opposing the D. C. Transit application, objected to the proposed shuttle service within the Belair Section of Bowie which would necessitate a transfer in traveling between Bowie and Washington.

While proposed schedules are important in a public convenience and necessity proceeding, they are subject to change after operations are commenced, depending on the needs of the public. Generally, both W M A and D. C. Transit propose to operate approximately nineteen round trips daily between Bowie and Washington, with additional service between Washington and points intermediate to Washington and Carrollton, Maryland. The Commission concludes and finds that the proposed schedules of either W M A or D. C. Transit are adequate.

The proposed fares of W M A and D. C. Transit were covered extensively by both Mr. Bell and Mr. Sardinia. In some instances, the proposed fares of W M A are higher and in other instances, the proposed fares of W M A are lower than D. C. Transit's proposed fares. W M A

proposes a minimum cash fare of 25¢ for adults and 15¢ for children of eighteen years of age or under. D. C. Transit proposes a minimum fare of 15¢ in Maryland. W M A proposes a maximum fare of 75¢ (between Bowie and Washington), as compared to a maximum cash fare of 90¢ or a token fare of 86½¢ proposed by D. C. Transit.

Generally, for passengers desiring transportation between Bowie-Carrollton, Maryland, and Washington, D. C., the fares proposed by W M A are substantially lower than the proposed fares of D. C. Transit. A passenger desiring to transfer to another bus of D. C. Transit in the District of Columbia, would pay a lower fare by using the proposed service of D. C. Transit. A passenger desiring to use the joint fare ticket and travel into Virginia, would pay a lower fare by using the proposed service of W M A. When all the evidence is considered, it is very clear that the great majority of riders would be able to use the proposed service of W M A at lower fares.

Both W M A and D. C. Transit vigorously contended that the proposed service area was within their respective territories. D. C. Transit maintained that the territory north of the John Hanson Highway should logically be considered as its territory. W M A maintained that its operations along Kenilworth Avenue, which extend into the Greenbelt area, Prince Georges County, justifies a finding that the proposed service area is well within its territory. D. C. Transit has no regular route authority south of the John Hanson Highway and has only one relatively short route extending south of Route 450. This route is only two or three miles from the District of Columbia line in Prince Georges County. On the other hand, W M A's route over Kenilworth Avenue into the Greenbelt area lies substantially north and west of the proposed service area. Insofar as the community of interest is concerned, there was substantial testimony to the effect that if W M A was granted authority to operate over the routes involved, the new service could be tied in with W M A's existing service so as to provide a cross-county service into its present territory. There was other testimony to the effect that if D. C. Transit is granted authority to operate the proposed service, it could also tie the new service in with its existing service to provide a cross-county service into its present territory.

A review of the map entered in this proceeding clearly indicates that if the D. C. Transit application is approved, the service rendered by W M A and D. C. Transit would be considerably fragmented. The Kenilworth-Greenbelt operation of W M A would be substantially isolated from its existing operations. On the other hand, if the W M A application is approved, W M A's territory remains intact without any significant fragmentation of D. C. Transit's existing service. If the Commission were called upon to draw a boundary line between the service area of D. C. Transit and W M A, it would appear that the boundary would be located somewhere north and west of the Washington-Baltimore Parkway.

The Commission cannot overlook one important factor in these proceedings. The two largest municipalities proposed to be served are Carrollton and Bowie, Maryland. The governing bodies of both of these municipalities have officially endorsed the W M A application. The City Council of the City of Bowie, the largest of the municipalities in the area involved, opposes the D. C. Transit application and supports the W M A application.

The Commission notes with great satisfaction the objective approach taken by the governing bodies of Carrollton and Bowie in presenting their views to this Commission relating to all of the applications in these proceedings. They obviously devoted considerable time and effort in making a full and complete inquiry into the various proposals for service improvement.

Another important factor is that the W M A application was filed on November 18, 1964, while the D. C. Transit application was not filed until January 4, 1965, the day before the hearings on the W M A application commenced. Even if everything were equal, the first-in, first-out doctrine would require that first consideration be given the W M A application.

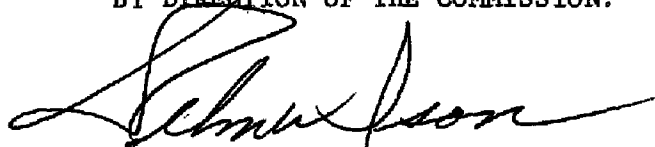
The public is entitled to the best service possible and its testimony should be given appropriate weight in making this determination. No public witness or city official, in either of the three applications, voiced objection to the service proposed by W M A.

As previously noted, the Commission is issuing, as of this date, a separate order in which the Commission has found that the present service is inadequate, but that Greyhound should first be given an opportunity to correct the several service deficiencies. In the event that this is not done, the Commission found therein that a new carrier service must be authorized. Those findings are appropriate herein and we so find.

The Commission concludes and finds that as between W M A and D. C. Transit, W M A is the logical and appropriate carrier to institute and render the proposed service. As we have found that Greyhound is entitled to the opportunity to correct the deficiencies causing the inadequate service, and upon their failure to do so that the public convenience and necessity does and will require the service proposed by W M A, the Commission concludes and finds that the present and future public convenience and necessity do not require the proposed service of D. C. Transit.

THEREFORE, IT IS ORDERED that the applications of D. C. Transit System, Inc., for certificates of public convenience and necessity, as more fully set out hereinabove, be, and they are hereby, denied.

BY DIRECTION OF THE COMMISSION:

A handwritten signature in black ink, appearing to read "Delmer Ison", written in a cursive style.

DELMER ISON
Executive Director