

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1154

IN THE MATTER OF:

July 19, 1971

Application of Blue Lines, Inc.)
for 180-Day Temporary Authority)
to Operate Regular Route Service)
Between Montgomery Village,)
Maryland and Washington, D. C.)
and Between Washington, D. C.)
and Poolesville, Maryland.)

Application No. 694

Application of Blue Lines, Inc.)
for Authority to Provide Regular)
Route Bus Service Between Mont-)
gomery Village, Maryland and)
Washington, D. C. and Between)
Washington, D. C. and Poolesville,)
Maryland.)

Application No. 702

Application of D. C. Transit)
System, Inc. to Amend Certificate)
of Public Convenience and Neces-)
sity No. 5 to Authorize the)
Extension of Routes Q-7 and Y-7.)

Application No. 704

Docket No. 231

On May 6, 1971, Blue Lines, Inc. filed Application No. 694 seeking 180-day temporary authority to operate regular route bus service between Montgomery Village, Maryland and Washington, D. C. and between Washington, D. C. and Poolesville, Maryland. Blue Lines presently holds WMATC Certificate of Public Convenience and Necessity No. 10 for the operation of irregular route service only.

Blue Lines' application was accompanied by twelve letters from area residents expressing a desire for Blue Lines service between Montgomery Village, Maryland and Washington, D. C. On May 28, 1971, Blue Lines submitted Application No. 702 for permanent regular route authority to operate this service.

Blue Lines seeks authority by both applications to operate over the following route:

B/B

Southbound

From Montgomery Village, Maryland over Maryland Highway 124 to Maryland Highway 28 thence over Maryland Highway 28 to Interstate Highway 70S thence over Interstate Highway 70S to U.S. Highway 240 to Washington, D. C.

Northbound

From Washington, D. C. over U.S. Highway 240 to junction Interstate Highway 70S thence over Interstate Highway 70S to Maryland Highway 124 thence over Maryland Highway 124 to Montgomery Village thence over Maryland Highway 124 to Maryland Highway 28 thence over Maryland Highway 28 to Maryland Highway 107 thence over Maryland Highway 107 to Poolesville, Maryland.

Restriction

Southbound, no passengers are to be picked up south of the intersection of Maryland Highway 28 and Interstate Highway 70S. Northbound, no passengers are to be discharged south of the intersection of Interstate Highway 70S and Maryland Highway 124.

D. C. Transit System, Inc. (Transit) submitted a protest to Application No. 694 on May 28, 1971, and on June 1, 1971, Greyhound Lines, Inc. (East), (Greyhound) also submitted a protest to that application. In addition, on June 1, 1971, Transit filed Application No. 704 for amendment of its certificate of public convenience and necessity to authorize the extension of its routes Q-7 from Gaithersburg, Maryland and Y-7 from Rockville, Maryland to Montgomery Village. Blue Lines filed a timely protest to that application on June 21, 1971, and Transit filed a protest to Blue Lines' Application No. 702 for permanent authority on that same date.

Montgomery Village is a new expanding community located three miles from Gaithersburg. At present it has a population of approximately 5,000 persons. When completed, the development will house roughly 30,000 persons. The development presently has no direct bus service to Washington, D. C., although both Transit and Greyhound operate from the center of Gaithersburg.

Blue Lines states in its application that it is presently operating regular route service between Washington, D. C. and Brunswick, Maryland, under authority from the Interstate Commerce Commission, and that its Maryland operation utilizes Highway 28, which intersects with Maryland Highway 124 at Quince Orchard, approximately five miles southwest of Montgomery Village. It further states that a number of Montgomery Village residents presently drive to Quince Orchard to use Blue Lines service. Blue Lines proposes to operate out of Montgomery Village at 6:55 a.m., along Route 124 to Quince Orchard and then follow its existing route into Washington, discharging passengers along Wisconsin Avenue, N.W., Garfield Street, Massachusetts Avenue, 21st Street, Pennsylvania Avenue, New York Avenue, and 13th Street, N.W., arriving at the Federal Triangle at 8:05 a.m. There would be a single return trip leaving North Capital and E Streets at 5:10 p.m. and arriving at Montgomery Village at 6:03 p.m. The return trip would then proceed along Maryland Highway 124 to Quince Orchard, and then parallel existing Blue Lines service to Poolesville, Maryland.

Greyhound presents four grounds for opposition to the grant of authority to Blue Lines. First, Greyhound points to several inconsistencies in the application document itself. It is quite true that Blue Lines' documents are confusing in places, but it appears not to be represented by counsel. We believe that we are sufficiently apprised of the authority sought, and that it is possible for protestants to respond adequately. The fact that an applicant appears without attorney should not and will not deter us from giving the contents of an application our full consideration.

Next, Greyhound argues that it can and is providing adequate service for residents of Montgomery Village. It operates five round-trip schedules daily between Washington, D. C. and Gaithersburg, and it contends that this clearly precludes any showing of immediate need for additional service. Further, Greyhound argues that its operation is a part of an unprofitable Washington, D. C.-Frederick, Maryland service, and that it should be protected from any passenger diversion the new service might cause.

We are unimpressed with Greyhound's arguments. The Blue Lines proposal would provide a rush-hour commuter bus whereas Greyhound's morning trips arrive in Washington at 7:35 and 9:25 a.m. Although Greyhound's p.m. service is more convenient

to the commuters than this, we do not believe that Greyhound's a.m. service can be considered conducive to most commuter travel. More important, Blue Lines seeks to offer essentially door-to-door service to Montgomery Village residents, whereas to utilize Greyhound, a Montgomery Village resident would need vehicular transportation to downtown Gaithersburg. Therefore, we do not believe that the Greyhound service can be considered a satisfactory alternative to the Blue Lines proposed service. Nor do we believe that losses resulting from a long-distance operation such as Greyhound's Washington-Frederick service are dispositive of an application to provide a local, mass transit type operation.

Finally, Greyhound points out that it is certificated by the Interstate Commerce Commission to operate within Gaithersburg. It states that any grant of authority Blue Lines receives from this Commission should be restricted to prevent pick up or discharge of passengers within Gaithersburg. Greyhound concludes that such a restriction would insure that Blue Lines service would not be directly competitive with, and detrimental to, that provided by Greyhound, and would thereby serve to mitigate its objections. In that regard, we note that Blue Lines' application does not involve the pick up or discharge of passengers within the city limits of Gaithersburg.

D. C. Transit System, Inc., argues that its congressional franchise prohibits an operation such as the one proposed by Blue Lines because it would be competitive with service Transit presently provides. In addition, Transit states that it is willing to fill any need for service the Commission finds in the Montgomery Village area.

Transit's congressional franchise is inapplicable to service such as that proposed by Blue Lines, which contemplates no local passengers within the District of Columbia. Nor is there now in existence a Transit route competitive with the proposed operation. We are again unable to classify the service presently provided to Gaithersburg as adequate to the needs of Montgomery Village residents. Transit operates one round trip from the center of Gaithersburg which takes an hour and a half to reach downtown Washington. We have already stated our opinion that such service is far less attractive than, and therefore not a real alternative to, the door-to-door type of operation proposed by Blue Lines.

Transit supplemented its protest with an application for additional authority to serve Montgomery Village directly. It has proposed to extend its Gaithersburg service to Montgomery Village itself and it has further proposed to extend two trips per day from Rockville, Maryland over Interstate 70S and Maryland Highway 124 to Montgomery Village. In response to Transit's application for authority, Blue Lines submits that it has shown more interest in serving the area and should be given priority to do so but that it would not object to Transit's operations so long as Blue Lines is also permitted to serve Montgomery Village.

We believe that the competing carriers should present the relative merits of their proposals in a public hearing. At a hearing the carriers would be able not only to present us with detailed information about their proposed services but also to develop more fully the legal arguments they have raised in their protests. In addition, we believe that members of the riding public should be given an opportunity to express any preferences they might have between the types of service proposed in these applications. Pending such a hearing, however, and our decision following that hearing, the residents of Montgomery Village should not have to continue to be without adequate commuter bus service to Washington, D. C. Considering the present size of this community, we believe that service should be provided as soon as practicable, and as a consequence we shall grant Blue Lines temporary authority to provide service to Montgomery Village at its proposed fares. We wish to make it clear, however, that this action will have no influence or effect on our final decision on the applications for permanent authority presently before us.

We do not believe that Application No. 694 can be granted in toto however. An urgent and immediate need for service between Montgomery Village and Washington, D. C. has been shown, and Blue Lines' proposed inbound route, via Quince Orchard, is both reasonably direct, and likely to attract additional patrons which will make the service more financially sound. However, for its return trip from Washington, Blue Lines seeks authority to operate beyond Montgomery Village to Poolesville, Maryland. No need for service to Poolesville has been shown, and we will not grant temporary authority to serve it absent such a showing.

Additionally, Blue Lines' application requests authority to proceed southbound only over Maryland Route 28, proposing to return to Montgomery Village directly via northbound Interstate Route 70S. Further, Blue Lines proposes to provide northbound service from North Capitol and E Streets, N.W., but southbound service only as far as 12th Street and Pennsylvania Avenue, N.W. We believe that, to the extent possible, service should be available in both directions. We will not authorize one-way service along portions of this route and have, for this reason, adjusted the authority granted herein to provide both a.m. and p.m. service along the same route.

THEREFORE, IT IS ORDERED:

1. That Blue Lines, Inc., be, and it is hereby, granted 180 days temporary authority to operate regular route service between Montgomery Village, Maryland and Washington, D. C., effective July 26, 1971, as follows:

Southbound

From Montgomery Village Shopping Center via Stedwich Road, Montgomery Village Road, Maryland Highway 124, Maryland Highway 28, Interstate Route 70S, Wisconsin Avenue, Garfield Street, N.W., Massachusetts Avenue, 21st Street, Pennsylvania Avenue, New York Avenue, H Street, 13th Street, Pennsylvania Avenue, 12th Street, Constitution Avenue, Louisiana Avenue, New Jersey Avenue, and E Street, N.W. to terminal stand at North Capitol Street.

Northbound

From terminal stand at North Capitol Street and E Street, N.W., via North Capitol Street, Louisiana Avenue, N.W., Constitution Avenue, 12th Street, H Street, New York Avenue, Pennsylvania Avenue, 22nd Street, Massachusetts Avenue, Wisconsin Avenue, Interstate Route 70S, Maryland Highway 28, Maryland Highway 124, Montgomery Village Road, and Stedwich Road to Montgomery Village Shopping Center.

Restriction

Southbound, no passengers are to be picked up south of the intersection of Maryland Route 28 and Interstate Route 70S. Northbound, no passengers are to be discharged south of the intersection of Maryland Route 28 and Interstate Route 70S.

2. That Blue Lines, Inc. shall file with the Commission an appropriate tariff covering the service herein authorized, on or before July 23, 1971, to be effective July 26, 1971.

3. That Application No. 702 of Blue Lines, Inc., and Application No. 704 of D. C. Transit System, Inc., be, and they are hereby, consolidated as Docket No. 231.

4. That a public hearing on these matters be, and it is hereby, scheduled for Thursday, September 9, 1971, at 10:00 a.m. in Room 314, 1625 I Street, N.W., Washington, D. C. 20006.

5. That Blue Lines, Inc., and D. C. Transit System, Inc., each post notice of application and time and place of hearing thereon in its buses operating over the affected routes on or before August 2, 1971.

6. That Blue Lines, Inc., and D. C. Transit System, Inc., each publish notice of application and time and place of hearing thereon in a newspaper of general circulation in the Metropolitan District, once, on or before August 14, 1971.

BY DIRECTION OF THE COMMISSION:


DOUGLAS N. SCHNEIDER, JR.
Executive Director