

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1261

IN THE MATTER OF:

Served June 29, 1973

Amendment of Certificates )  
of Public Convenience and )  
Necessity of: )  
D. C. Transit System, Inc.; )  
W. V. & M. Coach Company; )  
A. B. & W. Transit Company; )  
WMA Transit Company. )

Docket No. 250

We deal herein with amendments to Certificate of Public Convenience and Necessity No. 4 issued to the Washington, Virginia and Maryland Coach Company, Inc. (W. V. & M.) necessitated by the condemnation of certain of the company's assets and properties by the Washington Metropolitan Area Transit Authority (WMATA). For the reasons set forth in Order No. 1260, issued today we have concluded that all of W. V. & M.'s operating authority, with the single exception of its individually ticketed sightseeing service, has been condemned by WMATA; that WMATA does not require a certificate of public convenience and necessity from the Commission to conduct the transportation services formerly conducted by W. V. & M.; and that a new certificate of public convenience and necessity should be issued to W. V. & M. authorizing individually ticketed sightseeing service. Only two matters require comment.

First, it has been urged that W. V. & M.'s certificate, which authorizes "special operations" without specifying, as does the certificate of D. C. Transit System, Inc. (Transit), "sightseeing service", does not authorize individually ticketed sightseeing operations. We do not agree. D. C. Transit System, Inc. v. Washington Metropolitan Area Transit Commission, 429 F.2d 197, 199 (D.C. Cir. 1970).

Second, it has been argued that W. V. & M. has abandoned any individually ticketed sightseeing authority which it may have held and that we should not permit W. V. & M. to retain

dormant authority. Of course, no carrier should be permitted to retain certificate authority which it has not been exercising. All certificates issued by this Commission, including that issued to W. V. & M., require the holder to furnish "reasonable, continuous and adequate service" in accordance with its certificate. The record before us shows that W. V. & M. may well have been derelict in this regard. Mr. Hatfield, the company's Treasurer, testified that W. V. & M. has conducted no operations since the WMATA condemnation. Subsequent to the hearings, Mr. Hatfield submitted an affidavit setting forth the substance of an alleged lease agreement between Transit and W. V. & M. In short, on the record before us we cannot ascertain whether W. V. & M. is, in fact, rendering appropriate service as authorized by its individually ticketed sightseeing authority. Neither can we conclude that the proposed lease arrangement with Transit constitutes either the operation of individually ticketed sightseeing service by W. V. & M. or a permissible joint fare service in accordance with Section 7 of the Compact. These and related issues will be the subject of an investigation which we have today instituted by separate order.

We do not believe that the pendency of that investigation should delay disposition of this proceeding which was instituted for the purpose of appropriately amending W. V. & M.'s certificate of public convenience and necessity in light of the WMATA condemnation. Thus, we have decided that the appropriate course is to re-issue W. V. & M.'s certificate of public convenience and necessity, deleting therefrom all operating authority except individually ticketed sightseeing service, close this docket, and leave the adequacy of W. V. & M.'s individually ticketed sightseeing service over the irregular routes authorized by its certificate, as well as any further certificate action, to await the outcome of the separate investigation instituted today.

We emphasize that our action with respect to W. V. & M.'s certificate is a purely ministerial one designed only to reflect the status of the operating authority which W. V. & M. holds from this Commission at this time. In so doing, we make no finding that the operating authority which the United States District Court has found that WMATA condemned had independent value. WMATA v. Twelve Parcels of Land Etc., Civil Action No. 79-73 (D.D.C.) That matter is solely within the jurisdiction of the Court and our action today is in no way intended to impinge upon that jurisdiction in any degree whatsoever.

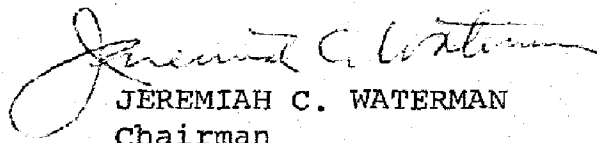
THEREFORE, IT IS ORDERED:

1. That Certificate of Public Convenience and Necessity No. 4 issued to Washington, Virginia and Maryland Coach Company, Inc., on August 12, 1964, as amended, be, and it is hereby, cancelled in its entirety.

2. That Certificate of Public Convenience and Necessity No. 4-A in the form attached hereto and made a part hereof be, and it is hereby, issued to Washington, Virginia and Maryland Coach Company, Inc.

3. That Washington, Virginia and Maryland Coach Company, Inc., be, and it is hereby, directed to file a new tariff with the Commission on or before Monday, July 9, 1973, for the sole purpose of deleting reference to any charges or operations not authorized by its Certificate of Public Convenience and Necessity No. 4-A. The tariff filed pursuant to this paragraph may be marked to become effective on five day's notice without further order of the Commission.

BY DIRECTION OF THE COMMISSION:

  
JEREMIAH C. WATERMAN  
Chairman

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION  
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

NO. 4-A

WASHINGTON, VIRGINIA AND MARYLAND COACH COMPANY, INC.  
ARLINGTON, VIRGINIA

At a session of the Washington Metropolitan Area Transit Commission held on the 29th day of June, 1973;

AFTER DUE INVESTIGATION, it appearing that the above named carrier is entitled to receive authority from this Commission to engage in the transportation of passengers within the Washington Metropolitan Area Transit District, as a carrier for the reasons and subject to the limitations set forth in Order No. 1261;

THEREFORE, IT IS ORDERED, that the said carrier be, and it is hereby, granted this certificate of public convenience and necessity as evidence of the authority of the holder to engage in transportation as a carrier by motor vehicle; subject, however, to such terms, conditions and limitations as are now, or may hereafter, be attached to the exercise of the privilege herein granted to the said carrier.

IT IS FURTHER ORDERED that the transportation service to be performed by the said carrier shall be as specified below, except that this certificate does not authorize any intrastate transportation in Virginia:

IRREGULAR ROUTES:

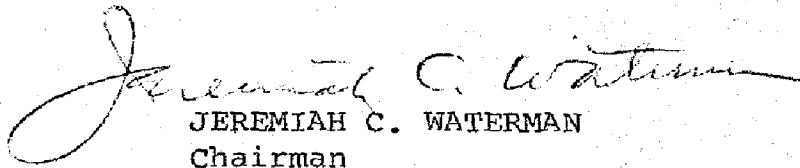
Passengers and their baggage:

SPECIAL OPERATIONS limited to individually ticketed sightseeing service between points in Virginia, except the Dulles International Airport, on the holder's former regular routes described in the appendix to this certificate, on the one hand, and points in the District of Columbia, on the other.

AND IT IS FURTHER ORDERED and is made a condition of this certificate that the holder thereof shall render reasonable, continuous and adequate service to the public in pursuance of the authority granted herein, and that failure so to do shall constitute sufficient grounds for suspension, change or revocation of this certificate.

The operating authority granted by this certificate is granted pursuant to Order No. 1261, and supersedes any and all operating rights previously set forth in Certificate of Public Convenience and Necessity No. 4, or in any other order or authority issued by the Commission.

BY DIRECTION OF THE COMMISSION:

  
JEREMIAH C. WATERMAN  
Chairman

APPENDIX TO

CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY NO. 4-A

Description of Holder's Former Regular Routes

- No. 1 From Washington, D. C., over city streets to Chain Bridge, thence over Chain Bridge to junction Virginia Highway 123 and thence over Virginia Highway 123 to the City of Fairfax, Virginia, and return over the same route.
- No. 2 From Washington, D. C., over city streets to Key Bridge, thence over Key Bridge to Rosslyn, Virginia, thence over Lee Highway (U. S. Highway 29-211) to the City of Fairfax, Virginia, and return over the same route.
- No. 3 From Washington, D. C. over city streets to Arlington Memorial Bridge, thence over Arlington Memorial Bridge to connecting highway and access roads to junction U. S. Highway 50 (Arlington Boulevard), thence over U. S. Highway 50 to junction Virginia Highway 838 (Sully Road), thence over Virginia Highway 838 (Sully Road), to junction unnumbered Dulles Airport Access Highway, including all interchange points and access and interchange routes, and return over the same route.
- No. 4 From Washington, D. C. over city streets to 14th Street Twin Bridges (one on the east known as Rochambeau and one on the west known as George Mason Memorial) to junction U. S. Highway 1, thence over U. S. Highway 1 to junction U. S. Highway 350, thence over U. S. Highway 350 to Washington Boulevard (Virginia Highway 237), and return over the same route.
- No. 5 From Washington, D. C. over city streets to Arlington Memorial Bridge, thence over Arlington Memorial Bridge and connecting highways and access roads to junction Washington Boulevard (Virginia Highway 237), thence over Washington Boulevard (Virginia Highway 237), to junction of Lee Highway (U. S. Highway 29-211), including all interchange points and access and interchange routes, and return over the same route.

- No. 6 From Washington, D. C. over city streets to Arlington Memorial Bridge, thence over Arlington Memorial Bridge to junction Arlington Memorial Drive, thence over Arlington Memorial Drive to junction Arlington Ridge Road, and return over the same route.
- No. 7 From Washington, D. C. over city streets and Potomac River Bridges and connecting highways and access roads to junction George Washington Memorial Parkway, thence over George Washington Memorial Parkway to junction Virginia Highway 123, thence over Virginia Highway 123 to junction unnumbered Dulles Airport Access Highway to Dulles Airport, including all interchange points and access and interchange routes, and return over the same route.
- No. 8 From Washington, D. C. over city streets to Arlington Memorial Bridge, Theodore Roosevelt Bridge and Key Bridge, thence over said Bridges and connecting highways and access roads to junction Interstate Highway 66, thence over Interstate Highway 66 to junction U. S. Highway 50, Fairfax County, Virginia, including all interchange points and access and interchange routes, and return over the same route.
- No. 9 From junction Arlington Ridge Road and Jefferson Davis Highway, over Jefferson Davis Highway to U. S. Highway 350, including all interchange points and access and interchange routes, and return over the same route.
- No. 10 From junction U. S. Highway 1 and Shirley Memorial Highway, (U. S. Highway 350), and access roads to and from the Pentagon Building, over access road, parking lot areas to junction of Columbia Pike, thence over Columbia Pike to junction South Gate Road, thence over South Gate Road to junction South Orme Street, and return over the same route.
- No. 11 From junction 19th Street and Fort Myer Drive, over 19th Street to Arlington Ridge Road, thence over Arlington Ridge Road to junction of South Gate Road and Columbia Pike (Virginia Highway 244), including all interchange points and access and interchange routes, and return over the same route.

- No. 12 From junction of South Gate Road and Columbia Pike, over Columbia Pike to junction Washington Boulevard (Virginia Highway 237), including all interchange points and access and interchange routes, and return over the same route.
- No. 13 From junction U. S. Highway 50 and George Washington Memorial Parkway, over George Washington Memorial Parkway to junction of Interstate Highway 495, including all interchange points and access and interchange routes, and return over the same route.
- No. 14 From junction Arlington Boulevard (U. S. Highway 50), and North Lynn Street, over North Lynn Street to Virginia end of Key Bridge, and return over the same route.
- No. 15 From junction Arlington Boulevard (U. S. Highway 50), and Fort Myer Drive, over Fort Myer Drive to junction Lee Highway (U. S. Highway 29-211), and return over the same route.
- No. 16 From junction Arlington Boulevard (U. S. Highway 50) and Pershing Drive, over Pershing Drive to junction North George Mason Drive and return over the same route.
- No. 17 From junction Arlington Boulevard (U. S. Highway 50) and North George Mason Drive, over North George Mason Drive to Henderson Road, thence over Henderson Road to North 2nd Street, thence over North 2nd Street to Park Drive, thence over Park Drive to Arlington Boulevard (U. S. Highway 50), and return over the same route.
- No. 18 From junction Arlington Boulevard (U. S. Highway 50) and North Granada Street, over North Granada Street to Greenbrier Street, thence over Greenbrier Street to North Carlyn Spring Road, thence over North Carlyn Spring Road to South 5th Street, thence over South 5th Street to Lexington Street, thence over Lexington Street to South 1st Street, thence over South 1st Street to Carlyn Spring Road, and return over the same route.



- No. 19 From junction Washington Boulevard (Virginia Highway 237) and South Uhle Street, over South Uhle Street to South Second Street, thence over South Second Street to junction Glebe Road (Virginia Highway 120), and return over the same route.
- No. 20 From junction of South Second Street and South Filmore Street, over South Filmore Street to South Walter Reed Drive, thence over South Walter Reed Drive to junction South Kenmore Street, thence over South Kenmore Street to junction Shirlington Road, thence over Shirlington Road to junction South 28th Street, thence over South 28th Street to South Randolph Street, thence over South Randolph Street to South 31st Street, thence over South 31st Street to South Quincy Street, thence over South Quincy Street to South Arlington Mill Drive, thence over South Arlington Mill Drive to Shirlington Road, and return over the same route.
- No. 20A From junction South Walter Reed Drive and South Kenmore Street, over South Walter Reed Drive to junction South Oakland Street, thence over South Oakland Street to junction South 24th Road, thence over South 24th Road to junction South Lowell Street, thence over South Lowell Street to junction South 25th Street, thence over South 25th Street to junction South Shirlington Road and return over the same route.
- No. 21 From junction Washington Boulevard (Virginia Highway 237) and Garfield Street, over Garfield Street to junction Wilson Boulevard and return over the same route.
- No. 22 From junction North Woodrow Street and North Fairfax Drive, over North Fairfax Drive to junction Washington Boulevard and return over the same route.
- No. 23 From junction Arlington Ridge Road and Wilson Boulevard, over Wilson Boulevard to junction Arlington Boulevard (U. S. Highway 50).

- No. 23A From junction Arlington Boulevard (U. S. Highway 50) and Wilson Boulevard, over Wilson Boulevard, North 16th Street, North Rhodes Street, North 17th Street, Wilson Boulevard to junction Arlington Ridge Road.
- No. 24 From junction Wilson Boulevard and North Moore Street, over North Moore Street to Virginia end of Key Bridge and return over the same route.
- No. 25 From junction Wilson Boulevard and 10th Street, over 10th Street to junction North Fairfax Drive, and return over the same route.
- No. 26 From junction Wilson Boulevard and Livingston Street, over Livingston Street to 10th Road, thence over 10th Road to junction McKinley Road, and return over the same route.
- No. 27 From junction 10th Road and North Madison Street, over Madison Street to Four Mile Run Drive, thence over Four Mile Run Drive, to 12th Road, thence over 12th Road to McKinley Road, thence over McKinley Road to junction Wilson Boulevard, and return over the same route.
- No. 28 From junction Wilson Boulevard and Payton Randolph Drive, over Payton Randolph Drive to Arlington Boulevard (U. S. Highway 50) and return over the same route.
- No. 29 From junction Payton Randolph Drive and Willston Drive, over Willston Drive to Patrick Henry Drive, thence over Patrick Henry Drive to Virginia Highway 7, and return over the same route.
- No. 29A From junction Lee Highway (U. S. Highway 29-211) and North Adams Street, over North Adams Street to the front of the Potomac Towers Apartments and return over the same route.

- No. 30 From junction Lee Highway (U. S. Highway 29-211) and Spout Run Parkway, over Spout Run Parkway to junction George Washington Memorial Parkway, and return over the same route.
- No. 31 From junction Lee Highway (U. S. Highway 29-211) and Military Road, over Military Road to junction Glebe Road (Virginia Highway 120), and return over the same route.
- No. 31A From junction Lee Highway (U. S. Highway 29-211) and Hilltop Road, over Hilltop Road to Prosperity Avenue, thence over Prosperity Avenue to Lee Highway and return over the same route.
- No. 32 From junction Old Dominion Drive (Virginia Highway 309) and Lee Highway (U. S. Highway 29-211), over Old Dominion Drive (Virginia Highway 309), to Great Falls Park, and return over the same route.
- No. 33 From junction Lee Highway (U. S. Highway 29-211), and George Mason Drive, over George Mason Drive to Yorktown Boulevard, thence over Yorktown Boulevard to Edison Street, thence over Edison Street to junction Little Falls Road, and return over the same route.
- No. 34 From junction Lee Highway (U. S. Highway 29-211) and Fairfax Drive, over Fairfax Drive to Westmoreland Street, thence over Westmoreland Street to Chain Bridge Road, (Virginia Highway 123), and return over the same route.
- No. 35 From junction U. S. Highway 29-211 and Annandale Road, over Annandale Road to junction Virginia Highway 236, thence over Virginia Highway 236 to junction Backlick Road, thence over Backlick Road to junction Maple Street, thence over Maple Street to junction Annandale Road and return over the same route.
- No. 35A From junction Annandale Road and Markham Street, over Markham Street to junction Virginia Highway 236.

- No. 36 From junction Lee Highway (U. S. Highway 29-211) and Gallows Road to Virginia Highway 650, over Virginia Highway 650 to junction Virginia Highway 709 (also known as Gallows Road), thence over Virginia Highway 709 to junction Virginia Highway 649, and return over the same route.
- No. 36A From junction Annandale Road, over Hummer Road to junction Virginia Highway 236, thence over Virginia Highway 236 to Annandale Road and return over the same route.
- No. 37 From junction Virginia Highway 123 and Glebe Road (Virginia Highway 120), over Glebe Road (Virginia Highway 120), to junction of Columbia Pike (Virginia Highway 244), thence over Columbia Pike (Virginia Highway 244), to junction of Walter Reed Drive, and return over the same route.
- No. 37A From junction Glebe Road (Virginia Highway 120) and North 16th Street, over North 16th Street to junction Edison Street, thence over North Edison Street to junction 19th Road, thence over North 19th Road to junction George Mason Drive, thence over North George Mason Drive to junction 19th Street, thence over North 19th Street to junction Edison Street, and return over the same route.
- No. 38 From junction Glebe Road (Virginia Highway 120) and Little Falls Road, over Little Falls Road to Sycamore Street, thence over Sycamore Street to Little Falls Road, thence over Little Falls Road to Trinidad Street, thence over Trinidad Street to Williamsburg Boulevard, thence over Williamsburg Boulevard to junction Westmoreland Street, and return over the same route.
- No. 39 From junction Williamsburg Boulevard and Powhatan Street, over Powhatan Street to Rockingham Street, (Virginia Secondary Highway 691), thence over Rockingham Street to Maryland Avenue, thence over Maryland Avenue to Rhode Island Avenue, thence over Rhode Island Avenue to Massachusetts Avenue, thence over Massachusetts Avenue to Park Road, thence over Park Road to junction Old Dominion Drive (Virginia Highway 309), and return over the same route.

- No. 40 From junction Virginia Highway 7 and Dulles Airport Access Highway, over Virginia Highway 7 to junction Virginia Secondary Highway 1078 (also over Virginia Secondary Highway 1078 to junction Virginia Highway 7), and return over the same route.
- No. 41 From junction Virginia Highway 7 and Hillwood Avenue, thence over Hillwood Avenue to junction Lee Highway (U. S. Highway 29-211), and return over the same route.
- No. 42 From junction Virginia Highway 7 and Virginia Highway 650, over Virginia Highway 650 to Virginia Highway 695, thence over Virginia Highway 695 to junction Virginia Highway 7, and return over the same route.
- No. 43 From junction Virginia Highway 7 and Pimmit Drive, over Pimmit Drive to Griffith Road, thence over Griffith Road to Lisle Avenue, thence over Lisle Avenue to junction Virginia Highway 7, and return over the same route.
- No. 44 From junction Virginia Highway 123 and Virginia Highway 193, over Virginia Highway 193 to junction Interstate Highway 495, including all interchange points and access and interchange routes, and return over the same route.
- No. 45 From junction of Interstate Highway 66 and Airport Access Highway, over Airport Access Highway to its junction with Virginia Highway 123 and Interstate Highway 495, including all interchange points and access and interchange routes, and return over the same route.
- No. 46 From junction Virginia Highway 236 and Interstate Highway 495, over Interstate Highway 495 to junction of Maryland Highway 190, including all interchange points and access and interchange routes, and return over the same route.

- No. 47 From junction Lee Highway (U. S. Highway 29-211), and Gallows Road (Virginia Highway 650), over Gallows Road to Cottage Street, over Cottage Street to Bowling Green Drive, over Bowling Green Drive to Cedar Lane, over Cedar Lane to Cottage Street, over Cottage Street to Locust Street, over Locust Street to South Court House Road, over South Court House Road to Virginia Highway 123 and return over the same route.
- No. 48 From junction Virginia Highway 7 and Dulles Airport Access Highway, over Virginia Highway 7 to junction Virginia Highway 606, thence over Virginia Highway 606 to junction Virginia Highway 28, thence over Virginia Highway 28 to junction Dulles Airport Access Highway, and return over the same route.
- No. 48A From junction Baron Cameron Avenue (Virginia Highway 606) and Wiehle Avenue (Virginia Highway 828), over Wiehle Avenue (Virginia Highway 828) to North Shore Drive (Virginia Highway 4726), over North Shore Drive (Virginia Highway 4726) to Wiehle Avenue (Virginia Highway 828), over Wiehle Avenue (Virginia Highway 828) to Sunset Hills Road (Virginia Highway 675), over Sunset Hills Road (Virginia Highway 675) to Reston Avenue (Virginia Highway 602), over Reston Avenue (Virginia Highway 602) to Baron Cameron Avenue (Virginia Highway 606) and return over the same route.
- No. 49 From junction Interstate Highway 495 and Virginia Highway 236, over Virginia Highway 236 to the City of Fairfax, Virginia and return over the same route.
- No. 49A From junction Virginia Highway 236 and Wakefield Chapel Road to junction Forest Street and return over the same route.
- No. 50 From junction Interstate Highway 606 and Village Road, over Village Road to Reston Plaza and return over the same route.

- No. 51 From junction Virginia Highway 28 and Center Street, over Center Street to Florida Avenue, thence over Florida Avenue to junction Alabama Avenue, thence over Alabama Avenue to junction Virginia Highway 28 and return over the same route.
- No. 52 From junction Lisle Avenue and Ware Road, over Ware Road to junction Magarity Road, thence over Magarity Road to junction Lisle Avenue and return over the same route.
- No. 53 From junction Magarity Road and Fisher Drive, over Fisher Drive to junction Lisle Avenue and return over the same route.
- No. 54 From junction Dolly Madison Boulevard (Virginia 123) and International Boulevard, thence over International Boulevard in its entirety and other roadways of Tysons Corner Shopping Center to Leesburg Pike (Virginia 7) and return over the same route.
- No. 55 From junction International Boulevard and Fletcher Street, over Fletcher Street to junction Dolly Madison Boulevard (Virginia 123) and return over the same route.
- No. 56 From City of Fairfax, Virginia, over city streets to University Drive, over University Drive to Chain Bridge Road (Virginia Highway 123), over Chain Bridge Road (Virginia Highway 123) to City of Fairfax, Virginia, and return over the same route.