

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1272

IN THE MATTER OF:

Application of D. C. Transit)
System, Inc., for Authority)
to Suspend Service)

Served August 9, 1973

Application No. 809

D. C. Transit System, Inc. ("Transit") has applied for permission to suspend its authority to perform individually ticketed sightseeing service over irregular routes from points in Arlington and Fairfax Counties and the Cities of Falls Church and Fairfax, Virginia, to points in Montgomery and Prince George Counties, Maryland, as authorized by its currently effective Certificate of Public Convenience and Necessity No. 5-A. Transit alleges that no sightseeing services are now being operated over this route but contends that this route "may at a future date become a desirable territory for Transit operations."

When we reissued Transit's certificate on June 29, 1973, we noted that the company had never operated an individually ticketed sightseeing service under this authority and that, insofar as the record then before us indicated, had no plans to do so in the immediate future. We therefore entered an order pursuant to Article XII, Section 4(g) of the Compact, directing the carrier to institute and maintain reasonable, continuous and adequate service over this route. See Order No. 1259, issued June 29, 1973. Transit has not done so but has instead sought to suspend service over this route "until such time as Transit may apply for its reinstatement."

We do not believe that a carrier should be permitted to retain certificate authority that has never been used, is not now

being used, and for which there is no foreseeable use in the immediate future. A certificate of public convenience and necessity presumes a public need for the transportation service therein authorized. If there is such a need for individually ticketed sightseeing service over the route in issue here, Transit by its own admission is not meeting that need. If there is no such need, Transit is not entitled to the certificate authority. In either event, indefinite retention of certificate authority over a route where no service is being provided is not in the public interest nor consistent with sound regulatory policy. We will accordingly deny Transit's application for authority to suspend indefinitely service over the route in issue.

On the record before us, and taking official notice of Transit's currently effective tariff which provides for no individually ticketed sightseeing service over the route in issue here, we find that Transit has not complied with the condition of its certificate of public convenience and necessity requiring the carrier to provide reasonable, continuous and adequate transportation as authorized therein, and we further find that Transit has wilfully failed to comply with the direction set forth in our Order No. 1259 to institute and maintain reasonable, continuous and adequate individually ticketed sightseeing service over the route authorized by paragraph (c) of its certificate. In accordance with Section 4(g) of the Compact, we will accordingly revoke Transit's certificate authority over this route. If, at some point in the future, Transit or some other carrier discerns a need for individually ticketed sightseeing service over the route in issue, an appropriate application for certificate authority may be presented.

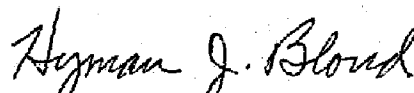
THEREFORE, IT IS ORDERED:

1. That the application of D. C. Transit System, Inc., for authority to suspend service over the irregular route set forth in paragraph (c) of its currently effective Certificate of Public Convenience and Necessity No. 5-A be, and it hereby is, denied.
2. That the authority conferred upon D. C. Transit System, Inc., to operate individually ticketed sightseeing service over

the irregular route set forth in paragraph (c) of its currently effective Certificate of Public Convenience and Necessity No. 5-A be, and it hereby is, revoked.

3. That an amended certificate of public convenience and necessity in the form annexed hereto and made a part hereof be, and it hereby is, issued to D. C. Transit System, Inc.

BY DIRECTION OF THE COMMISSION:



HYMAN J. BLOND
Executive Director

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

NO. 5-A

D. C. TRANSIT SYSTEM, INC.
WASHINGTON, D. C.

By order of the Washington Metropolitan Area Transit Commission issued on the 9th day of August, 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. 1260, as amended by Order No. 1272.

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:

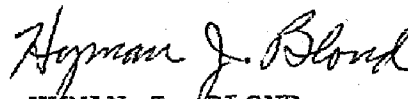
- (a) From points in the District of Columbia to points in the Metropolitan District.

(b) From points in Montgomery County, Maryland, and that portion of Prince Georges County, Maryland, north of the John Hanson Highway to points in the Metropolitan District.

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. 1260, as amended by Order No. 1272, and supersedes any and all operating rights previously set forth in Certificate of Public Convenience and Necessity No. 5, or in any other order or authority issued by the Commission.

BY DIRECTION OF THE COMMISSION:


HYMAN J. BLOND
Executive Director