

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 2211

IN THE MATTER OF:

Served April 7, 1981

Application of ATWOOD'S TRANSPORT )  
LINES, INC., for Exemption of )  
Regular-Route Operations from )  
WMATC Regulation )

Case No. AP-81-03

By application (motion) filed March 18, 1981, Atwood's Transport Lines, Inc., seeks a ruling that all of its regular-route operations between Washington, D. C. and Lexington Park, Md., are exempt from regulation by this Commission. At present, the Interstate Commerce Commission has jurisdiction over transportation between Washington, D. C., on the one hand, and, on the other, points on that part of the regular route located in Charles and St. Mary's Counties, Md., while this Commission regulates operations conducted within the Metropolitan District, namely between points in the District of Columbia and Prince George's County, Md. Should the application be granted, the I.C.C. would resume jurisdiction over all interstate transportation along the route.

Prior to March 22, 1961, Atwood's had been granted authority to serve this regular route, in interstate or foreign commerce, by the I.C.C. When the Compact became effective, Atwood's was granted a "grandfather" certificate by this Commission and the I.C.C.'s jurisdiction was suspended to the extent indicated above.

Title II, Article XII, Section 1(a)4 of the Compact provides that

[t]his Act shall apply to the transportation for hire by any carrier of persons between any points in the Metropolitan District and to the persons engaged in rendering or performing such transportation service, except \*\*\* transportation performed in the course of an operation over a regular route, between a point in the Metropolitan

District and a point outside the Metropolitan District, including transportation between points on such regular route within the Metropolitan District as to interstate and foreign commerce, if authorized by certificate of public convenience and necessity or permit issued by the Interstate Commerce Commission, and any carrier whose only transportation within the Metropolitan District is within this exemption shall not be deemed to be a carrier subject to the Compact; provided, however, if the primary function of a carrier's entire operations is the furnishing of mass transportation service within the Washington Metropolitan Area Transit District, then such operations in the District shall be subject to the jurisdiction of the Commission;

The question raised by Atwood's is whether ". . . the primary function of [Atwood's] entire operations is the furnishing of mass transportation service within the . . . Metropolitan District. . . ."

Atwood's application contains data which, although too limited to be considered statistically reliable, tends to indicate that the regular-route service, at least, is primarily beneficial to riders outside the Metropolitan District. Such data, however, address only part of the question. The Compact requires a review of the carrier's entire operations. Also, this appears to be a case of first impression as to how the carrier's primary function should be measured. Should the Commission consider the comparative number of miles involved, the number of passengers served, the revenues derived, or some other individual or combination of factors? On this question, it appears desirable to have the views of Atwood's and such other persons as may be interested in this proceeding.

Accordingly, the Commission will schedule a public hearing on this matter and require the pre-filing of certain materials by Atwood's and any other interested persons. In the event that no other parties come forward, Atwood's may then, should it so desire, seek leave to waive its right to a hearing pursuant to Rule No. 22 of the Commission's Rules of Practice and Procedure.

THEREFORE, IT IS ORDERED:

1. That the above-captioned case is hereby scheduled for public hearing to commence on Thursday, May 28, 1981, at 9:30 a.m. in the Hearing Room of the Commission, Room 314, 1625 I Street, N. W., Washington, D. C. 20006.

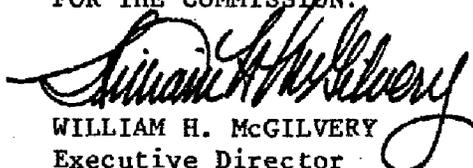
2. That Atwood's Transport lines, Inc., is hereby directed to publish once, in a newspaper of general circulation within the Metropolitan District, notice of this application and hearing in the form prescribed by the staff of the Commission and is further directed conspicuously to post one copy of said notice in each bus operated over the subject regular route, said publishing and posting to be effected no later than April 14, 1981, and the posted notices to be displayed continuously thereafter through the date on which the public hearing is scheduled.

3. That Atwood's Transport Lines, Inc., is directed to file six copies each of a statement, in writing and under oath, at the office of the Commission, Suite 316, 1625 I Street, N. W., Washington, D. C. 20006, setting forth the data and arguments on which applicant would rely in support of this application, and any other person who becomes a party to this proceeding is directed to file six copies of such a statement in support of its position, said filings to be made no later than May 14, 1981.

4. That any person desiring to be heard on this matter shall so notify the Commission in the manner specified in the next preceding paragraph within the time established therein.

5. That Atwood's Transport Lines, Inc., is hereby assessed the sum of \$200 to cover the costs which Title II, Article XII, Section 19 of the Compact require an applicant to bear, said sum to be delivered to the offices of the Commission no later than May 14, 1981.

FOR THE COMMISSION:



WILLIAM H. MCGILVERY  
Executive Director

