

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D.C.

ORDER NO. 3000

IN THE MATTER OF:

Served April 17, 1987

GOLD LINE, INC.)

Case No. FC-86-01

v.)

AMERICAN COACH LINES, INC., ET AL.)

Investigation of Compliance of)
AMERICAN COACH LINES, INC.)

Case No. MP-87-08

By motion (letter) filed April 8, 1987, American Coach Lines, Inc., et al. (parties respondent) request that the above-captioned complaint proceeding and investigation be suspended indefinitely and the hearing on those matters, now scheduled to commence April 21, 1987, be continued. As grounds for their motion, parties respondent rely on the fact that two filings were made with the Interstate Commerce Commission (ICC) on April 7, 1987: Petition for Declaratory Order --Incidental Charter Operations by a Motor Passenger Carrier within the Metropolitan Area Transit District and Petition to Reopen Pursuant to 49 C.F.R. §1115.4. The purpose of these petitions is to request a determination of the scope of the ICC operating authority held by American Coach Lines, Inc., a Maryland corporation (ACL-MD). ACL et al. note that the ICC has exclusive jurisdiction to interpret the scope of operating authority issued by that agency and assert that "no useful purpose would be served for the Transit Commission to proceed with its inquiry now that the matter has been placed in the hands of the 'proper' regulatory jurisdiction."

Gold Line, Inc., opposes the request of ACL et al. According to Gold Line, parties respondent are belatedly seeking to overturn a definitive decision of the ICC which has been administratively final for more than a year. It is Gold Line's position that ACL et al.'s seeking a reversal of the ICC's decision constitutes an effort to justify illegal operations, ex post facto, and does not warrant indefinite postponement of this Commission's inquiry -- particularly in light of the fact that the ICC's determination of the petitions could take months or even years during which time ACL will continue to damage Gold Line by diverting traffic and revenues.

Although the ICC has primary jurisdiction to interpret its certificates, this Commission has primary jurisdiction to interpret and, of course, enforce its enabling legislation. Regardless of the manner in which the ICC disposes of the petitions of ACL et al., issues

of fact will remain to be determined by this Commission. If the ICC denies ACL et al.'s petition and upholds its initial decision that ACL-MD holds no incidental charter rights within the Metropolitan District, then that carrier is in the same position as it is now, and it is proper that our proceedings go forward. If the ICC grants ACL et al.'s petition and overturns its initial decision, then there are issues of fact to be resolved, including whether and to what extent ACL-MD is performing interstate regular route operations.

In addition, there are issues in the investigation and the complaint proceeding involving carriers unaffected by the proceedings before the ICC. At the very least the compliance of American Coach Lines, Inc., a District of Columbia corporation, with this Commission's leasing regulations and its compliance with Order No. 2984, served March 3, 1987, have been implicated. For these reasons, the April 8 motion of ACL et al. will be denied.

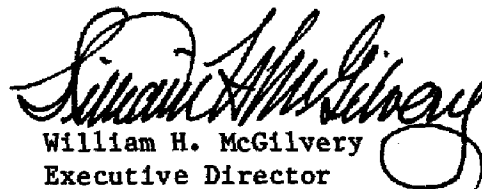
By a separate motion (letter), filed April 15, 1987, co-counsel for ACL et al. request a continuance of the Commission's April 21 hearing to May 12, 1987. The request is due to previous commitments during that week. The Commission is unable to oblige counsel's request for that specific date. However, the hearing shall be continued until April 29, 1987.

THEREFORE, IT IS ORDERED:

1. That the request of ACL et al. that Case No. FC-86-01, Gold Line, Inc. v. American Coach Lines, Inc., et al. and Case No. MP-87-08, Investigation of Compliance of American Coach Lines, Inc. be suspended and the hearing thereon indefinitely postponed is denied.

2. That the hearing in these matters now scheduled for April 21, 1987, is continued to April 29, 1987, at 9:30 a.m. in the hearing room of the Commission, Room 314, 1625 I Street, N.W., Washington, D.C. 20006.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS WORTHY, SCHIFTER, AND SHANNON:


William H. McGilvery
Executive Director