

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. MC-F-20908

PETER PAN BUS LINES, INC.–POOLING–GREYHOUND LINES, INC.

Decided: March 24, 2010

By decision served on April 29, 1998, the Board approved an operations and revenue pooling agreement between Peter Pan Bus Lines, Inc. and Greyhound Lines, Inc. (collectively, Parties), under 49 U.S.C. 14302. The pooling agreement governs motor passenger and express transportation service between New York, NY, and Washington, DC. By decision served on December 18, 1998, the Board approved amendments to the operations and revenue pooling agreements.<sup>1</sup> On April 17, 2008, by letter of Acting Secretary Anne Quinlan, the Board determined that the “Fourth Amendment to the Revenue Pooling Agreements” fell within the scope of the Board’s prior authorizations and did not require Board action.

On March 12, 2010, the Parties filed a letter including a copy of the “Fifth Amendment to Revenue Pooling Agreements” and requesting that the Board send a letter stating that the fifth amendment comes within the scope of the Board’s prior pooling approvals. According to the filing, the Parties wish to formally include Philadelphia, PA, as an intermediate point under the existing route between New York, NY, and Washington, DC. The Parties assert that this change is a minor, ministerial rewording and requires no action by the Board. The revenue pooling agreement from 1997<sup>2</sup> includes a route from Washington, DC, to New York, NY, via Baltimore, MD, and vice versa, but does not include a stop in Philadelphia, PA.

On March 16, 2010, the Board received a letter from Coach USA, Inc. and Megabus Northeast, LLC (Megabus) in opposition to the filing which states that the operations approved in the pooling agreements are very different from what is contemplated by the current amendment. On March 23, 2010, the Parties filed a letter in reply to Megabus’ opposition. Megabus filed a response to the Parties’ letter the following day.

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<sup>1</sup> The December 1998 decision also included the following docket numbers, Peter Pan Bus Lines, Inc.-Pooling-Greyhound Lines, Inc., STB Docket No. MC-F-20904 (STB served June 30, 1997) and Peter Pan Bus Lines, Inc.-Pooling-Greyhound Lines, Inc., STB Docket No. MC-F-20912 (STB served Feb. 12, 1998). Likewise, the Parties’ March 12, 2010 letter also referred to these additional dockets.

<sup>2</sup> The revenue pooling agreement from 1997 was included as Exhibit E to the filing.

Based upon the filings of the Parties and of Megabus, formal Board action is required to include the fifth amendment within the revenue pooling agreements. Thus, if the Parties want approval of the fifth amendment, they should file an application under 49 U.S.C. 14302.

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. Formal Board action, pursuant to 49 U.S.C. 14302, is required to include the fifth amendment within the revenue pooling agreements.
2. This decision is effective on its service date.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.