

BEFORE THE  
WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION  
WASHINGTON, D. C.

ORDER NO. 761

IN THE MATTER OF:

Served December 5, 1967

Application of WMA Transit )	Application No. 425
Company for Amendment of )	
Certificate of Public Con- )	Docket No. 160
venience and Necessity No. 8. )	
Application of WMA Transit )	Application No. 424
Company for Temporary Author- )	
ity to Extend its Routes in )	
the District of Columbia to )	
Farragut Square Area. )	

On October 24, 1967, we entered Order No. 751, granting temporary authority to WMA Transit Company to operate through-bus service from its service area to the Farragut Square area of the District of Columbia. D. C. Transit System, Inc. sought a stay of that Order from the Court of Appeals. At the oral argument on the Motion for a Stay, on November 30, 1967, it appeared that, while WMA remained unwilling to enter into any permanent arrangement with D. C. Transit, it might be willing to enter into an agreement for the interim period during which the Commission considered WMA's application for a permanent certificate. In view of this possibility, the court granted a continuance of the hearing on the Motion for Stay to allow the parties to see whether an agreement could be worked out. The court instructed the parties to report the results of their negotiations to the Commission for appropriate action.

D. C. Transit and WMA have held discussions since that time and have entered into an agreement which has been submitted to the Commission. The agreement provides that, during the period in which the Commission is holding further proceedings in conformance with the court's prior order, WMA shall have the

right to continue service to Farragut Square but shall pay D. C. Transit 3.4 cents per revenue mile operated by WMA in its extension to Farragut Square. This is the same formula agreed upon by D. C. Transit with A. B. & W. in the agreement we referred to in Order No. 751. We are informed by the staff that, on the basis of the revenue miles presently involved, this will call for a payment by WMA of about \$250.00 per month.

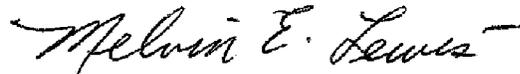
The agreement further provides that D. C. Transit will withdraw its Motion for Stay upon the issuance of an order by the Commission terminating or withdrawing the temporary authority.

In Order No. 751, and Order No. 752 (the order on reconsideration), we made it clear that our principal objective in granting temporary authority was to avoid the undue hardship on the riding public which would be created by the uncertainty that would arise if the Farragut Square service were terminated while the Commission considered a permanent resolution of the questions raised by that service. The parties are now willing to enter into a compromise arrangement for that interim period which achieves that same result. At the time we issued Order No. 751 we believed, and we still believe, that the issuance of temporary authority in the circumstances then prevailing was an entirely proper exercise of the Commission's powers under § 4(d)(3) of the Compact. We would, if it served any useful purpose, persist in that grant of authority. However, the parties have achieved a compromise which also accomplishes the Commission's objectives.

They have further agreed to withhold litigation if the Commission takes action on the grant of temporary authority. We are interested in protecting the public interest involved in this matter and not in prolonging unnecessary litigation. Hence, as contemplated by the interim agreement, we will withdraw the temporary authority granted by Order No. 751 and permit the service to continue until a final resolution is achieved by virtue of the interim agreement entered into by the parties. The remaining portions of Order No. 751, which set a hearing on WMA's application for a permanent certificate have, in any event, been superseded by our Order No. 755, which postponed the hearing to December 18, 1967.

THEREFORE, IT IS ORDERED, that Order No. 751, and the route authorization granted pursuant to that order be, and they are hereby, set aside.

BY DIRECTION OF THE COMMISSION:

A handwritten signature in cursive script that reads "Melvin E. Lewis".

MELVIN E. LEWIS  
Executive Director

HOOKER, Commissioner, not participating.