

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1066

IN THE MATTER OF:

Served July 13, 1970

Application of D. C. Transit)
System, Inc., for Authority)
to Increase Fares.)

Application No. 613

Docket No. 216

Today the Black United Front submitted an application for reconsideration of our Order No. 1052, issued June 26, 1970. The Front has previously filed an application for reconsideration of Order No. 1052 which was denied in Order No. 1057, issued July 1, 1970. In addition, the Front has filed an application for re-hearing of the issues in Order No. 1052 and we denied that application in Order No. 1062, issued July 8, 1970.

In the application for reconsideration filed today, the Front alleges that the racial composition of the Commission and its staff has made it insensitive to the impact of increased bus fares on the poor and of the ramifications that the imposition of an additional financial burden on the poor might have, including questions of public safety. Further, the front asserts that the hearings which were held prior to the issuance of Order No. 1052 were not sufficiently open and available to the public to permit full public participation. The petitioner requests further hearings, including evening hearings to permit the riding public to appear, and an additional 60 days to permit the Front to prepare its case.

We do not consider that the racial makeup of the Commission or its staff has in any way affected our sensitivity to the problems posed to the poor by increased fares. This is a problem which we have addressed many times, individually and as a body. We have raised the problem in rate orders and have urged the community to provide some solution to this very serious matter. We have proposed to the Congress a general subsidy for the bus riders of Washington which would have pegged the fare at 25 or 30 cents. We have made proposals to the City administration, twice within the last six months. Those proposals were specifically addressed to the problem of the impact of increased bus fares on the poor.

With respect to the issue of adequate public hearings, we believe that the hearings we conducted were amply sufficient to permit the kind of participation the Front claims now it would like to undertake. When D. C. Transit files a rate application with us, it immediately posts notices on its buses that the application has been made and what the substance of the application is. When the Commission sets a hearing on the application, it

requires that notice of the hearing be published in a newspaper and posted on the buses. Further, in this case, as is typical in matters affecting the public in the degree that these rate proceedings do, articles in the daily press announce the time and place of hearings. Thus, the public was on notice, well publicized, that a hearing would be held. In this case the notice was given 24 days before the hearing.

In addition to providing notice through several media, the Commission requires that the publication of the notice in the newspaper and on the buses include an invitation for any person who will be affected by the proposed fare to file a formal protest with the Commission. This gives him the right to participate as a party in the proceeding with full rights of cross-examination and submission of a direct case. Many persons do participate in this manner. In this case, in addition to the company and the staff, the parties included seven different protestants, including the District of Columbia; the Amalgamated Transit Union, both local and international; the D. C. Federation of Civic Associations; the "Willing Workers," a group of welfare recipients housed in the Arthur Kapper Housing Project; and others appearing on their own behalf.

The business of taking evidence and conducting cross examination was done during the normal business hours of the Commission. However, recognizing the inconvenience to most members of the public in attending a day-time hearing session to present their views to the Commission, we have traditionally held evening sessions for the purpose of hearing from any member of the public who wishes to put his views before us. In this case, we held an evening hearing session on May 25, 1970, in a hearing room at the ICC Building at 12th Street and Constitution Avenue, N.W. It was publicized in news articles in the daily papers and in the broadcast media, as well as by issuance of a Commission order and publication of legal notices. It began at 8:00 p.m. and we heard from only three people, none of whom were residents of the District of Columbia. Considering that response, we saw no reason to hold further evening sessions. Had there been any indication that further night time sessions were desired by anyone, we would have scheduled one as we recently did when we were considering the fare proposal of the WMA Transit Company. There, at the first evening session in Prince George's County, requests were made for further public hearings by the local Model Cities organization, among others, and in response to those requests we scheduled another evening session.

The Black United Front took no steps to participate as a formal party in the proceedings or to appear at the evening session held for the benefit of the bus riding public for whom formal party participation is inappropriate.

THEREFORE, IT IS ORDERED that the application for reconsideration of the Black United Front filed on July 13, 1970, be, and it is hereby, denied.

BY DIRECTION OF THE COMMISSION:



MELVIN E. LEWIS
Executive Director