

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1142

IN THE MATTER OF:

Served May 20, 1971

Application of D. C. Transit)
System, Inc., to Add Route)
M-3.)

Application No. 675

Application of D. C. Transit)
System, Inc. to Abandon Its)
D. C. Downtowner Minibus)
Service.)

Application No. 676

Docket No. 228

On April 16, 1971, we issued Order No. 1131 granting D. C. Transit System, Inc. (Transit) provisional authority to abandon its Downtowner Minibus Service and replace it with the Route M-3 Shoppers' Special. The change was not scheduled to take place until June 1, 1971, and we reserved the right to suspend or withdraw that authority without further hearing if a reasonable and substantial proposal for maintaining the minibus service could be developed. To encourage the development of such a proposal, we appealed to, and have organized meetings among, members of the local business community and government.

Four days after the issuance of Order No. 1131, a petition for reconsideration was filed by Gilbert Hahn, Jr. We herein deny that petition.

Mr. Hahn's basic contention is that the Commission failed to assess adequately the public interest factors involved in cessation of Downtowner Service. He does not state in his petition any specific factors which he feels we may have neglected, a deficiency which seriously weakens his presentation. However, we have completely examined this issue and we remain convinced that our decision in Order No. 1131 was proper.

There is no question that the existing minibus service falls far short of meeting even its out-of-pocket costs, thus creating a burden which must be borne by other users of the system--a particularly onerous burden in a time of generally rising costs and increasing fares. It is also undisputed that the existing minibus equipment is almost worn out and that a substantial new capital investment would be required to continue the existing service. There is, in addition, uncontroverted testimony about severe operational difficulties in maintaining proper service on the minibus route. All of these problems would create ample justification, in the public interest, for abandonment of the route.

Nonetheless, the Commission did not take that action. Instead, it required the company to continue the minibus service for an additional substantial period and initiated steps looking toward the provision of support for continuation of that service from the local community and/or the Federal Government.

Furthermore, even if those steps fail, the Commission did not permit outright abandonment of the minibus service. Instead, it required the substitution of a new service which will operate over precisely the same route as the minibus and charge precisely the same fare. Because of the economic and operational problems created by the present service, the headways will be lengthened from four to six minutes and conventional bus equipment will be used. On the other hand, the new service is an expanded service, connecting the downtown area now served by the minibus with adjacent large employment centers.

We are convinced that this two-step process--which will result in preservation of downtown service although on a fairer basis--fully protects the public interest and is consistent with our statutory obligations.

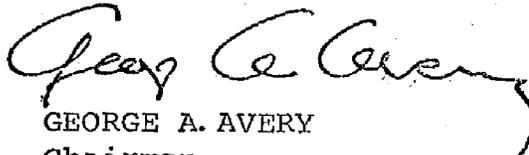
Additionally, Mr. Hahn argues that Article XII, Section 4(i) of the Compact prohibits abandonment of a route solely because such route is operating at a loss, if the carrier is otherwise earning a reasonable return. A more accurate reading of that Section is that the profit or loss of a carrier does not "of

itself, determine the question of whether abandonment of the route or service over the route is consistent with the public interest." In this instance, we have examined all factors of public interest and the fact that the financial issue was given substantial weight does not constitute error.

It is still possible however, that minibus operations may be preserved. We received a positive response to our appeal for local assistance which we are presently evaluating, and it remains our hope that this type of service can be continued in some economic form.

THEREFORE, IT IS ORDERED that the petition for reconsideration of Order No. 1131 filed by Gilbert Hahn, Jr. on April 20, 1971, be, and it is hereby denied.

BY DIRECTION OF THE COMMISSION:

A handwritten signature in cursive script, appearing to read "George A. Avery".

GEORGE A. AVERY
Chairman

