

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1255

IN THE MATTER OF:

Served May 3, 1973

Disposition of Commission-)
Controlled Funds: Alexandria,)
Barcroft and Washington Transit)
Company.)

The Commission has before it a document entitled "Petition for Formal Hearing by the Alexandria, Barcroft and Washington Transit Company." The Petition arises out of matters dealt with by us in our Orders Nos. 1243 and 1246. In Order No. 1243, we directed A. B. & W. to transfer to the Washington Metropolitan Area Transit Authority the balance of a marketing fund which had been established pursuant to our directive in Order No. 1101. In Order No. 1246, we denied A. B. & W.'s Petition for Reconsideration of the action taken in Order No. 1243.

A. B. & W. now seeks a formal hearing concerning the transfer of the marketing fund. We had said in Order No. 1246 that if A. B. & W. was seeking a hearing, it had supplied no reason why one would be helpful. Apparently in response to that comment, A. B. & W. cites the supposed lack of "evidence" on the following points:

- (1) Whether disposition of the fund was vested solely in the discretion of the Commission;
- (2) Whether the Commission has the power to direct the transfer under Sections 3, 6, and 15 of the Compact;
- (3) Whether the Commission has jurisdiction over A. B. & W. at present due to the sale of its properties to WMATA.

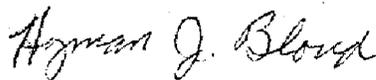
As can be seen from a reading of these issues, each of them raises a legal question as to which factual evidence is not necessary. We have, in fact, already dealt with two of

these issues. In Order No. 1246, we held that we have the right to control the disposition of funds collected from the riding public for a special use pursuant to our directives. We also held that this power was vested in us by virtue of Sections 3, 6, and 15 of the Compact. We see no purpose in addressing ourselves to the question of our present jurisdiction over A. B. & W. in light of the WMATA takeover. Order No. 1243 was issued before the takeover took place. If there has been any change in our jurisdiction since the order was issued, a proposition we see no need to discuss, it would not affect the validity of an order valid at the time of issuance.

For all these reasons, we find no reason in A. B. & W.'s Petition to direct that a hearing be held. Our action with regard to transfer of the marketing fund was complete with the issuance of Order No. 1246. A. B. & W.'s obligation to transfer the marketing fund forthwith is clear.

THEREFORE, IT IS ORDERED that the Petition for Formal Hearing by the Alexandria, Barcroft and Washington Transit Company, filed on March 19, 1973, be, and it is hereby, denied.

BY DIRECTION OF THE COMMISSION:



HYMAN J. BLOND
Executive Director