

BEFORE THE
WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 708

IN THE MATTER OF:

Served May 15, 1967

Application of Washington,
Virginia and Maryland Coach
Company, Inc., for Increase
in Fares.

Application No. 410

Docket No. 135

This matter comes before the Commission upon the application of Jay E. Shanklin, a protestant to the above styled proceeding, for reconsideration of that portion of Order No. 702, served April 14, 1967, set forth in Finding No. 2, Page 10 of said order.

Specifically, applicant complains that the fare authorized by said order in fare zone 6 is preferential and discriminatory. Basically, applicant complains that "Fairfax City furnishes virtually all the traffic in fare zone 6 and it is closer to Washington, D. C., the principal commuter point therefrom, than many points in fare zone 5 where the fare is 5¢ less, and the so called 'express' and 'limited' service provided for riders from Fairfax City and vicinity discriminates in favor of riders from intermediate points between Fairfax City and downtown Washington..."

Testimony adduced during the hearing indicated that a fare zone boundary study had been initiated by the Commission's staff, pursuant to Commission directive, and that the results therefrom would not be known until after the time within which the statute required us to decide this case. Additionally, a formal complaint was filed with the Commission on March 20, 1967, raising issues identical to those stated in this application for reconsideration. The filing of the complaint preceded the issuance of the order herein complained of, which, as noted above, was published on April 14, 1967.

The fare zone boundaries now in existence were lawfully established in prior fare cases and must be assumed to be proper unless and until substantial evidence is adduced to the contrary. Based upon the filing of the formal complaint and the prior disclosure that a fare zone boundary study was being conducted, the Commission considered that this subject was not mature for consideration and decision. However, the matter now being before us, we find that the evidence in this proceeding is insufficient to warrant the disturbance of existing fare zone boundaries. The principal contention made by applicant is that the distance from some points in Zone 6 to D. C. is less than from some points in

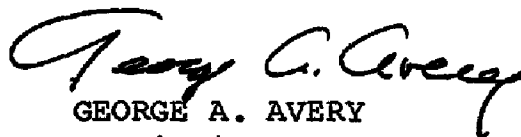
Zone 5. While this may be true 1/, we are not unmindful that minor variations in fare zone boundaries of system-wide application are to be expected. See Bartsch vs. WMATC, (4th Cir., 1966) 357 F. 2d923.

Moreover, applicant's complaint regarding "Express" and "Limited" service appears to be solely a service problem, unrelated to the subject of "fair and reasonable" fares; it is also, as noted above, the subject of a formal complaint presently before the Commission.

Wherefore, the Commission is of the opinion and finds that the application of Jay E. Shanklin for reconsideration of Order No. 702 should be denied.

THEREFORE IT IS ORDERED that the application of Jay E. Shanklin for reconsideration of Order No. 702 be, and it is hereby, denied.

BY DIRECTION OF THE COMMISSION:


GEORGE A. AVERY
Commissioner

1/ And we are not prepared to concede on this record either that this is true or that it would be pertinent if true.