

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1152

IN THE MATTER OF:

Served June 29, 1971

Application of Washington,)
Virginia and Maryland Coach)
Company, Inc., for Reduction)
of Service on Saturdays and)
Sundays.)

Application No. 698

Docket No. 230

The Washington, Virginia and Maryland Coach Company, Inc. (W. V. & M.) notified this Commission on May 20, 1971, of its intent to make reductions in its weekend service schedule. The changes consisted of altering the base schedules of Routes 1, 2, 3, and 4 after 6:30 p.m. on Saturdays and Sundays and eliminating all Sunday service on Routes 3-S and 5-K, effective June 20, 1971. Subsequently, W. V. & M. agreed to retain one Route 5-K schedule.

On June 17, 1971, the Fairfax County Public Utilities Commission submitted a protest to the proposed schedule reductions and requested a public hearing on the matter. By Order No. 1150, issued June 18, 1971, we granted the county's request for public hearing. Without reaching a final determination on the merits of the proposed schedule changes however, we determined that it would not be appropriate in this instance to suspend the schedule changes prior to hearing.

The Board of Supervisors of Fairfax County (Board) submitted an application for reconsideration of Order No. 1150 on June 25, 1971. After examination of the several issues raised by the Board, we will grant their petition on the single ground that the notice provided by W. V. & M. was not sufficient to comply with Regulation 60-04. The Board alleges that a copy of the proposed time schedule was not posted in buses to be affected by the change as is required by that Regulation, and we believe this to be the fact. Therefore, we will suspend the schedule changes embodied in Application No. 698.

Based upon hearsay, the Board also alleges that the public received less than 15 days notice of the proposed changes. W. V. & M. has submitted an affidavit that notice was posted in its buses on June 4, 1971, 17 days before the effective date of its proposal. Also based upon hearsay, the Board alleges that W. V. & M. was in violation of Regulation 60-02 in that it did not have copies of its time schedules available upon request. W. V. & M. has submitted an affidavit that schedules were in fact available. As we hold notice here to have been inadequate, we find it unnecessary to resolve these factual disputes or to rule on whether violation of Regulation 60-02 would be fatal to an application to reduce service:

The Board further argues that under the facts of this case, failure to suspend the service reductions pending hearing was arbitrary and capricious, because its representatives did not have actual notice of the proposed service reduction until 10 days prior to the proposed effective date.

The fact that the Board did not receive actual notice for some time in no way restricts our ability to act. The Compact grants this Commission full and sole authority to regulate interstate bus travel within the Metropolitan District, which includes Fairfax County. Just as the Board of Supervisors itself, we act on behalf of the citizens of Fairfax County. We properly based our decision not to suspend W. V. & M.'s schedule changes on the substance of the Fairfax County Public Utilities Commission protest and our decision cannot be affected by extraneous factors involved in the filing of a protest, assuming adequate notice has been given.

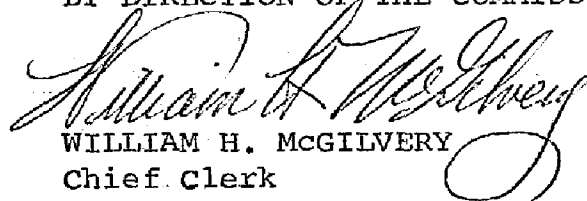
Finally, the Board submits ridership figures which, it alleges, require the retention of at least some of the eliminated service. These figures are unaccompanied by any analysis, however, and so are of little value as an argument. By themselves, they do not convince us that Order No. 1150 was arbitrary or capricious, but we will reexamine ridership patterns on the affected routes at the hearing on these service changes scheduled by Order No. 1150, and the Board will then have an opportunity to elaborate on its presentation if it so desires.

The Board has also requested postponement of the public hearing on this matter. We will not grant this request. Notice of the July 2 hearing has been both published in a newspaper and posted in all W. V. & M. buses, and we believe a change in that date might well pose a hardship to any member of the public who has planned to present his views to us on that date.

THEREFORE, IT IS ORDERED:

1. That the Petition for Reconsideration of Order No. 1150, filed on June 25, 1971, by the Fairfax County Board of Supervisors be, and it is hereby, granted on the ground that notice of schedule changes proposed by Washington, Virginia and Maryland Coach Company, Inc., in Application No. 698 was not sufficient to comply with Regulation 60-04.
2. That the Petition for Reconsideration of Order No. 1150, filed on June 25, 1971, by the Fairfax County Board of Supervisors be, and it is hereby, in all other respects denied.
3. That the Washington, Virginia and Maryland Coach Company, Inc., service reductions applied for in Application No. 698, which became effective June 20, 1971, be, and they are hereby, suspended.
4. That in all other respects Order No. 1150 be, and it is hereby, affirmed.

BY DIRECTION OF THE COMMISSION:


WILLIAM H. MCGILVERY
Chief Clerk

