

BEFORE THE
WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION
WASHINGTON, D.C.

GENERAL ORDER NO. 17

IN THE MATTER OF:

Served September 30, 1966

Revision of Rules and)
Regulations.)

By Order No. 580, served March 25, 1966, the Commission issued a proposed revision of its Rules and Regulations, and requested comments thereon.

Numerous suggestions were received from the Arlington County Board, Arlington, Virginia, and D. C. Transit System, Inc. In addition to their written comments, each sent representatives to informal conferences with the Staff in order to provide full opportunity for a complete discussion of the suggestions. The Commission wishes to note here its appreciation for such cooperation.

The Commission has carefully considered the regulations and all relevant suggestions and comments thereon. It recognizes that the Compact has been a highly progressive measure designed to improve transit and to alleviate traffic congestion in the Washington Metropolitan District. To that end the Commission feels that its regulations should be so tailored, within the concept of minimal but necessary regulation.

The Commission is of the opinion that the Rules of Practice and Procedure and Regulations, affixed hereto and made a part hereof, should be promulgated and adopted, superseding those presently in effect; provided, that Safety

Regulations 100-114, adopted by General Orders No. 8 and 15, not attached hereto, shall remain in full force and effect.

THEREFORE, IT IS ORDERED, that the Rules of Practice and Procedure and Regulations, affixed hereto and made a part hereof, be, and they are hereby, prescribed and adopted, superseding those presently in effect, except Regulations 100-114, effective October 30, 1966.

BY DIRECTION OF THE COMMISSION:

A handwritten signature in cursive script, reading "Delmer Ison". The signature is written in black ink and is positioned above the printed name and title.

DELMER ISON
Executive Director



**RULES OF PRACTICE
AND PROCEDURE**

AND

REGULATIONS

OF THE

**WASHINGTON METROPOLITAN
AREA TRANSIT COMMISSION**

**EFFECTIVE
OCTOBER 31, 1966**

INTERNAL ORGANIZATION AND OPERATION

of the

WASHINGTON METROPOLITAN AREA

TRANSIT COMMISSION

1. Creation and Purpose of Commission.

The Washington Metropolitan Area Transit Commission, hereinafter referred to as the Commission, was created by the Washington Metropolitan Area Transit Regulation Compact, hereinafter referred to as the Compact. The Commission was created to regulate, except as hereinafter noted, the mass transportation of persons within the Washington Metropolitan District. The Metropolitan District embraces the District of Columbia, the cities of Alexandria and Falls Church, the counties of Arlington and Fairfax, and political subdivisions of the State of Virginia located within those counties and that portion of Loudoun County, Virginia, occupied by the Dulles International Airport and the counties of Montgomery and Prince Georges, in the State of Maryland and political subdivisions of the State of Maryland located within said counties, and all other cities now or hereafter existing in Maryland or Virginia within the geographic area bounded by the outer boundaries of the combined area of said counties, cities and airport. The effect of the Compact, entered into by and between the Commonwealth of Virginia, the District of Columbia and the State of Maryland, and approved by Congress, is to centralize in the Commission regulatory functions over substantially all of the transit operations within the Metropolitan District in place of the separate regulation by the States of Virginia, Maryland, District of Columbia and the Interstate Commerce Commission.

2. Jurisdiction of the Commission.

The Commission has the usual and ordinary powers exercised by federal and state regulatory commissions over transit operations. In addition, the Commission is specifically charged with the duty and responsibility for improving transit and alleviating traffic congestion within the Washington Metropolitan District on a coordinated basis, without regard to political boundaries.

Under Article XII, Section 1, of the Compact, jurisdiction is conferred upon the Commission, except as specifically excluded, over all forms of for-hire surface transportation, including regular route, irregular route, contract, sightseeing, special and

charter operations. Except as noted below, the Commission has jurisdiction, among other things, over operating authority, rates, fares and charges, service, routes, through routes and joint fares, issuance of securities, consolidations, mergers and acquisition of control, security for the protection of the public (minimum insurance coverage), accounts, records and reports, and depreciation.

The Commission has jurisdiction over taxicabs and vehicles bona fide engaged in taxicab service, with respect only to (1) the rates or charges for transportation in interstate commerce, and (2) requirements for minimum insurance coverage with respect to such interstate transportation. The Commission has no jurisdiction over the rates, charges, or minimum insurance requirements of taxicabs engaged exclusively in intrastate transportation. Such matters remain subject to local regulation.

The jurisdiction of the Commission covers operations within the Metropolitan District in the District of Columbia, in the State of Maryland, and interstate operations between the District of Columbia, Maryland and Virginia. Intrastate operation in the Virginia portion of the Metropolitan District is expressly exempted from the jurisdiction of the Compact Commission and jurisdiction over such operations is continued in the Virginia State Corporation Commission. The Virginia Commission, however, is required to refer to the Compact Commission for recommendations, which are advisory only, all matters relating to this exempted transportation. Such procedure affords an opportunity to coordinate the regulatory policies for the relatively small amount of Virginia intrastate traffic with the policies governing transportation throughout the remainder of the Metropolitan District.

Under Article XII, Section 1(a)(4), the Commission has no jurisdiction over transportation performed in the course of an operation over a regular route, between a point in the Metropolitan District and a point outside the Metropolitan District, if authorized by a certificate of public convenience and necessity issued by the Interstate Commerce Commission.

In the legislation granting its consent to the Compact, Congress removed the Federal preemption over the regulation of all for-hire surface transportation, including transportation within the District of Columbia and in interstate commerce, within the Washington Metropolitan District, in connection with all regulatory functions to be performed by the Commission. The States have also expressly removed their jurisdiction over matters within the jurisdiction of the Commission. In each case the removal of jurisdiction has been by suspension of existing laws rather than repeal, so that, in the

event of the termination of the Compact, the pre-existing State and Federal regulation automatically would be reactivated without the necessity for new legislation.

The jurisdiction of the States has not been removed over matters relating to insurance, safety and inspection of equipment and facilities and other matters as set forth in the Compact.

3. Organization.

a. Commission.

The Commission is an instrumentality of the District of Columbia, the Commonwealth of Virginia and the State of Maryland, and is composed of three members, one from each of the participating Governments. The appointments for Maryland and Virginia are made by the Governors and for the District of Columbia by the Board of Commissioners, in each instance from among the members of the regulatory commission of the appointing jurisdiction. The term of each member of the Commission is coincident with the term of that member on the regulatory commission or agency of the jurisdiction which he represents. Vacancies shall be filled for an unexpired term in the same manner as an original appointment. A Commissioner may be removed or suspended from office as provided by the law of the signatories from which he was appointed.

The Commission selects a Chairman from its membership annually. Such Chairman is vested with the responsibility for the discharge of the Commission's work and to that end he is empowered with all usual powers to discharge his duties.

Except as provided below with respect to executive and administrative functions, the Commission is responsible for all plans, programs and actions of the Commission.

b. Executive Director.

The Executive Director is in charge of the offices of the Commission, and is available to the Commissioners for discussion of matters of policy and business of the Commission.

The administrative and technical staff is under the direct supervision of the Executive Director. In the performance of administrative functions, the Executive Director works under the direction of, and is responsible to, the Chairman of the Commission. In the performance of technical functions, the Executive Director is under the direction of, and is responsible to, the full Commission.

The Commission has delegated final authority to the Executive Director with respect to the following matters: (1) sign official correspondence on behalf of the Commission; (2) schedule hearings and issue notices thereof; (3) reject applications, petitions, complaints, briefs and other documents which are not filed in compliance with the rules, regulations or orders of the Commission, unless good cause is shown for failure to comply; (4) act on motions or requests for extensions of time to make filings or take actions required by rules, regulations, or orders of the Commission; (5) accept service of process on behalf of the Commission; (6) determine whether surety bonds, certificates of insurance, or qualifications of a self-insurer comply with the regulations of the Commission; (7) approve or disapprove requests of carriers for change in time schedules or routes where formal proceedings are not involved; and (8) supervise and direct the enforcement of all rules, regulations or orders of the Commission.

The Executive Director exercises the duties, powers and responsibilities conferred on him by the Rules of Practice and Procedure of the Commission, and as may be conferred by further orders or regulations.

c. Technical Staff.

The technical staff consists of three departments; namely, (1) legal, (2) accounting, and (3) engineering.

(1) Legal Department.

It is the duty of the legal department to handle all proceedings before the Commission and to represent the Commission in all legal proceedings before the Courts; to supervise staff participation in all cases before the Commission; to advise the Commission, Executive Director and the other departments of the Commission on all legal matters and to perform such other legal functions from time to time as the Commission or Executive Director may direct.

(2) Accounting Department.

It is the duty of the accounting department, in carrying out the staff activities of the Commission, to audit and analyze the accounts, records and reports of the carriers; to conduct field audits of the carriers under the Commission's jurisdiction; to participate in cases before the Commission, analyze all statistical exhibits offered in such cases, prepare financial and statistical schedules and exhibits for formal presentation in such proceedings,

to testify in proceedings before the Commission, assist the legal department in preparing for cross examination of technical, financial and accounting witnesses and make reports and recommendations to the Executive Director concerning the conclusions that may be drawn from such testimony and exhibits. It is the duty of the accounting department to analyze and make recommendations concerning applications of carriers for the issuance of securities and applications of carriers to become self-insurers. From time to time, the accounting department may be called upon to participate in special studies involving various phases of carrier regulation.

(3) Engineering Department.

The engineering department, in carrying out the staff activities of the Commission, is charged with the duty of inspecting and measuring transportation service in the Metropolitan District to the end that the same may be reasonably adequate and reliable. The engineering department may also conduct studies and make determination of routes and standards of service; check for compliance with published tariffs and time schedules; make investigations and surveys with respect to the establishment of through routes and other service requirements; receive, process and investigate service complaints and accident reports; review and make recommendations with respect to tariff changes and participate in formal proceedings involving rate and service hearings, including the preparation and presentation of service and engineering exhibits and the giving of testimony in connection therewith. The engineering department coordinates the staff activities relating to the selection of streets and highways for transit use and other engineering activities with the Traffic and Highway Board.

d. Administrative Staff.

The administrative staff consists of a Chief Clerk and such other clerical, secretarial and other administrative personnel as may be required from time to time to handle the work of the Commission. The administrative staff establishes and maintains a docket system for all proceedings and matters before the Commission, files, records relating to insurance or other appropriate security for the protection of the public required to be filed and approved by the Commission, files and records of certification of public convenience and necessity, tariffs, schedules, routes, reports, files and records of correspondence and such other records as may from time to time be prescribed. The administrative staff is responsible for performance of all household duties necessary to the proper operation of the Commission, including the establishment and maintenance of accurate books of accounts, showing in full the receipts and disbursements of the Commission, payroll records, and all other records relating to personnel.

The Compact provides that upon request of the Commission, the signatory governments may make available to the Commission, personnel, services or material which the Commission would otherwise have to employ or purchase. In the light of this provision, members of the technical and administrative staff may either be employed on full, part-time or consulting basis or on a loan basis. The work of all personnel on a consulting or loan basis shall be under the direction and supervision of the Executive Director.

4. Traffic and Highway Board

A Traffic and Highway Board is created as an advisory adjunct to the Commission. The Board shall make recommendations to the Commission with respect to the selection and use of streets for transit routing and other matters relating to service and traffic engineering throughout the Metropolitan District. The Board shall also consider problems referred to it by the Commission and shall continuously study means and methods for improving public transportation and the alleviation of traffic congestion within the Metropolitan District.

The Board shall include representatives of the various agencies in the Metropolitan District concerned with the planning, construction and use of the highways, roads and streets, or with the improvement of transit in the Metropolitan District. The Compact enjoins the members of the Board to use their best efforts, in their capacity as officials of local government agencies, to effectuate the recommendations and objectives of the Commission.

5. Public Files and Records.

Documents and materials classified by the Commission as available to the public are available for public inspection in the offices of the Commission during normal business hours.

RULES OF PRACTICE AND PROCEDURE

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RULES OF PRACTICE AND PROCEDURE
of the
WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

1. The Commission.

1-01. Seal. The Commission hereby prescribes as its official seal the imprint illustrated below and described as follows:

The imprint of the seals of the Commonwealth of Virginia, the District of Columbia and the State of Maryland, encircled by the words, "Washington Metropolitan Area Transit Commission."



1-02. Office and Hours. The offices of the Commission are located at 1625 I Street, N. W., Washington, D. C. 20006. The offices of the Commission will be open from 8:15 a.m. to 4:45 p.m., of each weekday, except Saturdays and legal holidays.

1-03. Sessions. General sessions of the Commission for the transaction of its business will be held at the principal office of the Commission at Arlington, Virginia, on regular business days as scheduled by the Commission, or at other places within the Metropolitan District as the Commission shall designate. Public sessions of the Commission will be held after reasonable notice as ordered by the Commission. Special sessions of the Commission for consultation, or for the transaction of business, may be held at any time and place within the Metropolitan District as may be scheduled by the Commission.

1-04. Action by Members, or Representatives. The Commission may, by appropriate order, designate and authorize one or more of its members or representatives to conduct any inquiry, investigation, hearing or other process necessary to its duties and function.

2. Definitions

As used in these Rules:

2-01. Compact and Act. The terms "Compact" and "Act" mean the Washington Metropolitan Area Transit Regulation Compact.

2-02. "Commission" and "Commissioner" means the Washington Metropolitan Area Transit Commission and member thereof, respectively.

2-03. "Person" means any individual, firm, co-partnership, corporation, company, association or joint stock association; and includes any trustee, receiver, assignee, or personal representative thereof; and shall also include any municipality, county or other political subdivision of the States of Maryland and Virginia and of the District of Columbia.

2-04. "State Commission" means the Public Service Commission of the District of Columbia, the Virginia State Corporation Commission, and the Maryland Public Service Commission.

2-05. "Party" means any person who is an applicant, a complainant, petitioner, respondent, protestant, or intervenor in a proceeding.

2-06. "Proceeding" shall include procedures initiated by the filing of an application, complaint, petition, or initiated by the Commission on its own motion as an investigation, order to show cause, or other procedure.

2-07. "Applicant" means a person filing an application; "complainant" means a person filing a complaint; "respondent" means a person against whom a complaint is made or an order of investigation or order to show cause is directed; "petitioner" means any other person seeking relief otherwise than by complaint or application; "intervenor" means a person permitted to intervene as provided in Rule 16; and "protestant" means a person opposed to the granting of an application or any pleading seeking affirmative relief, or to any tariff or schedule becoming effective.

2-08. "Pleading" includes applications, complaints, petitions, answers, replies, written motions and protests, and amendments to any thereof.

2-09. "Staff Counsel" means counsel on the staff of the Commission.

2-10. "Attorney" means attorney at law.

2-11. "Legal Holiday" means New Year's Day, Washington's Birthday, Memorial Day, Fourth of July, Labor Day, Veterans Day, Thanksgiving Day, or Christmas.

3. Appearances and Practice Before the Commission

3-01. Personal Appearance. A party may appear in any proceeding in person. An individual may appear in his own behalf, a member of a partnership may represent the partnership, a bona fide officer of a corporation, trust, association or organized group may represent the corporation, trust, association or group, and any officer or employee of a county, municipality or other political subdivision of the State of Maryland, Virginia, or the District of Columbia, or other governmental authority, may represent the county, municipality or other political subdivision, or other governmental authority in any proceeding.

3-02. Representation by Attorney. A person may be represented in any proceeding by an attorney at law admitted to practice before the United States District Court for the District of Columbia or before the highest court of the State wherein he resides.

3-03. Authority to Appear in Representative Capacity. Any person appearing before or transacting business with the Commission in a representative capacity may be required by the Commission or the presiding officer to file evidence of his authority to act in such a capacity.

3-04. Standard of Conduct. All attorneys appearing before the Commission or a presiding officer must conform to the standards of ethical conduct required of practitioners before the Courts of the United States.

3-05. Disqualification or Suspension. The Commission may disqualify, and deny temporarily or permanently, the privilege of appearing or practicing before it in any way, to any person who is found by the Commission after hearing, not to possess the requisite qualifications to represent others, or to have engaged in unethical or improper professional conduct, or otherwise to be not qualified.

Conduct amounting to contempt at any hearing shall be ground for exclusion from the hearing and for summary suspension without a hearing for the duration of the hearing or of the proceedings.

3-06. Written Appearances. Persons who appear at any formal hearing shall deliver a written notation of appearance to the reporter, stating for whom the appearance is made, and the address of such person and of the person making the appearance. The written appearance shall be made a part of the record.

4. Formal Requirements as to Pleadings, Documents and Other Papers Filed in Proceedings.

4-01. Title. Pleadings, documents, or other papers filed with the Commission in any proceeding shall clearly show the docket designation, title of the proceeding before the Commission and a general description of the filing, such as "Complaint", "Motion", etc.

4-02. Copies. Except as may be otherwise required by the rules or regulations of the Commission or ordered or requested by the Commission, there shall be filed with the Commission an original and one conformed copy of all pleadings, documents or other papers; provided, however, that when service of such pleadings, documents or papers is required to be made by the Commission, the Commission may require the filing of sufficient additional copies for service upon all those required to be served.

4-03. Form. Pleadings, documents or other papers (except informal complaints) shall be printed, typewritten or otherwise duplicated in permanently legible form. If typewritten or otherwise duplicated, such material shall be on paper cut or folded to letter size, 8 to 8-1/2 inches wide by 10-1/2 to 11 inches long, with left-hand margin not less than 1-1/2 inches wide and other margins not less than 1 inch. If typewritten, the impression shall be on only one side of the paper, and shall be double-spaced, except that quotations in excess of a few lines shall be single-spaced and indented. If printed, such documents shall be on unglazed, opaque, white paper, in type not less than 11 point, and may be printed and single spaced on both sides of the paper.

Informal complaints may either conform to the foregoing provisions, or simply be in legible writing.

4-04. Binding. Pleadings, documents and other papers other than correspondence shall be bound at the left side only.

4-05. Signature. The original of each pleading, document or other paper filed, including amendments, shall be signed in ink by the party in interest, or by his or its attorney, and shall show the office, telephone number and post office address of the person signing. All other copies filed shall be fully conformed thereto.

When signed by an attorney, the signature constitutes a certificate by him that he has read the pleading, document or paper; that he is authorized to file it; that to the best of his knowledge, information and belief there is good ground for it; and that it is not interposed for delay.

4-06. Subscription and Verification. All pleadings, documents or other papers filed by a party in interest or by a person in a representative capacity on behalf of a party in interest, other than by an attorney, shall be subscribed to and verified under oath. Any facts alleged in any filing shall be verified under oath by a person having knowledge of the matters set forth.

4-07. Certificate of Service. Except when service is required to be made by the Commission, every pleading, document or other paper must, when filed, or tendered to the Commission, include a certificate showing service and the method thereof upon all parties to the proceeding, and name and address of persons served.

5. Service

5-01. By the Commission. Formal complaints, orders and all forms of Commission actions and notices shall be served by the Executive Director by mailing a copy thereof to the person to be served, addressed to the person or persons designated in the initial pleadings, at his or its principal office or place of business. Service may also be made by anyone duly authorized by the Commission or by the Executive Director, by (1) delivering a copy of the document to the person to be served, or to the president, secretary, attorney, or other executive officer or a director of a corporation to be served, or to the representative of the trust, association or other organized group to be served, or (2) leaving a copy thereof at the principal office or place of business of such person, partnership, corporation, trust, association, or other organized group to be served. When a person is represented by an attorney of record, service upon such person shall be made upon such attorney.

5-02. By the Parties. Except as otherwise provided, all pleadings, documents or other papers shall be served by the party making the filing.

Service shall be made by mail or by delivery in person, as set forth in Rule 5-01. When any party has appeared by attorney, service upon such attorney shall be deemed service upon the party.

5-03. Time of Service. The date of service shall be the date when the matter served is deposited in the United States mail, postage prepaid, or is delivered in person, as the case may be. In computing the time from such date, the applicable provisions of Rule 7 shall apply.

5-04. Agent for Service. Any person subject to the jurisdiction of the Commission, which does not maintain its principal place of business within the Metropolitan District, shall designate a resident agent for service.

6. Notice

6-01. To Parties. When required by statute or these Rules, the Commission shall give notice to the parties to a proceeding by mailing to each of them a copy of a notice or order, as the case may require. If such order relates to the setting of a matter for hearing or to the adoption of any substantive rules of general applications, such notice shall be given to the parties not less than twenty-five (25) days prior to the date of hearing or the date for adoption or consideration of such general substantive rules, unless the Commission otherwise by order provides.

6-02. Posting. When a matter is set for hearing, notice thereof will be posted in the office of the Executive Director. Notice of all postponements of such hearings shall also be immediately posted and served upon all parties of record.

6-03. Publication. In formal proceedings (except those relating to operating authority), and where action by the Commission is required after notice and opportunity for a hearing, the Commission shall, in addition to other notice, give, or require to be given, general notice of the substance of the application, petition or complaint and the date and place of the hearing in a newspaper of general circulation in the Metropolitan District not less than twenty-five (25) days in advance of the date set for hearing or of the other action to be taken, unless by order of the Commission provides for a shorter time. The expense of such publication shall be borne by the carrier or carriers initiating the proceedings or against which the proceedings are directed.

The Commission also shall cause its orders and other actions to be published in the District of Columbia Register as a matter of information only and such publication shall not be deemed the legal notice required by these Rules.

6-04. Contents. Every notice or order for hearing shall state the time, place and nature of the proceeding, the action contemplated thereby to be taken, and indicate briefly the terms or substance of the matters of fact and law asserted, to inform the parties to the proceeding and the public of the subject matter and the issues involved. If the proceeding involves a proposed substantive rule of general application, the notice will set forth a reasonable time period within which interested persons may submit written data, views, or arguments concerning the proposed rule and will indicate also whether opportunity for oral presentation or public hearing is contemplated.

7. Time

7-01. Computation of Time. Except as otherwise provided by law, in computing any period of time prescribed or allowed by these Rules, by any rule, regulation or order of the Commission or by the Compact, the day of the act, event, or default from or after which the designated period of time begins to run shall not be included, but the last day of the period so computed shall be included, unless it is a Saturday, Sunday or a legal holiday designated in Rule 2-11, in which event the period shall run until the end of the next day which is not a Saturday, Sunday or a holiday. A part-day holiday shall be considered as other days and not as a holiday. In the event the period of time to be computed does not exceed ten days, Saturdays, Sundays and holidays shall not be counted.

7-02. Computing Time Involving Order of Commission. In computing any period of time involving the date of publication of the order of the Commission, the day of publication of an order shall be the day the Executive Director mails copies of the order (full text) to the parties or their attorneys of record. The Executive Director shall clearly indicate on each order the date of its service.

7-03. Effective Dates of Orders. Orders of the Commission shall be effective as of the dates of service, unless otherwise specifically provided in the orders.

7-04. Effective Dates of Rules and Regulations. Unless a different date is specified therein, rules and regulations of the Commission shall be effective thirty (30) days after publication.

7-05. Extensions. Except when fixed by statute, whenever by any rule, regulation or order of the Commission, or any notice given thereunder, an act is required or allowed to be done at or in a specified time, the time fixed or the period of time prescribed may for good cause be extended by the Executive Director or the presiding officer upon motion made.

7-06. Postponements and Continuances. Prior to the convening of a hearing, the Commission or the Executive Director may for good cause, with or without motion, postpone any hearing. A hearing shall begin at the time and place ordered, but thereafter may be adjourned from time to time or from place to place by the Commission, or by the presiding officer.

7-07. Requests for Postponements, Continuances and Time Extensions. Requests for postponement and continuance of hearings or for extensions of time in which to perform any act required or allowed to be done at or within a specified time by any rule, regulation or order, shall be by motion in writing, timely filed, stating the facts on which the application rests, except that during the course of a hearing in a proceeding, such request may be made by oral motion in the hearing before the Commission or the presiding officer. Written motions filed under this section shall conform to the requirements of Rule 4.

8. Filings; Dockets; Hearing Calendar.

8-01. Filing With the Commission. The filing with the Commission as required or allowed by these Rules, by any rule, regulation, or order of the Commission, or by applicable statute, of applications, complaints, petitions, protests, answers, motions, briefs, exceptions, rate schedules, notices, reports, or other pleadings, amendments to pleadings, documents, or papers shall be made by filing them with the Executive Director of the Commission at its principal office during the normal business hours as set forth in Rule 1-02. Any such papers must be received by the Executive Director at the office of the Commission within the time limit, if any, for such filing.

8-02. Acceptance for Filing. The pleadings, documents or other papers, referred to in Rule 8-01, permitted or required to be filed, will be accepted for filing only if such pleadings, documents or other papers conform to the requirements of these Rules of Practice and Procedure, and any other applicable rule, regulation, or order of the Commission or applicable statute. Such pleadings, documents, or

other papers tendered for filing which fail so to conform may be refused acceptance for filing and may be returned by the Executive Director with an indication of the deficiencies of the tendered filing and the reasons for nonacceptance and return. Acceptance for filing shall not waive any failure to comply with the rules and such failure may be cause for striking all or any part of such filing.

8-03. Docket. The Executive Director shall maintain a docket of all matters filed with the Commission and of all proceedings. Each proceeding as initiated shall be assigned an appropriate designation. The docket shall be available for inspection and copying by the public during the office hours of the Commission, insofar as consistent with the proper discharge of the Commission's duties.

8-04. Hearing Calendar. The Executive Director shall maintain a hearing calendar of all proceedings set for hearing. Proceedings pending upon this calendar will, in their order of assignment, so far as practicable, be heard at the times and places fixed by the Commission, giving due regard to the convenience and necessity of the parties or their attorneys. The Commission, in its discretion, with or without motion, however, may for cause at any time, with due notice to the parties, advance or postpone any proceeding on the hearing calendar.

9. Commencement of Proceedings.

9-01. Other than by Commission. Proceedings are commenced by the filing (1) of an application for authorization or permission which the Commission may grant under statutory authority, (2) a complaint against a violation of the Act or the Commission's rules, regulations or orders thereunder or a failure to comply with the Act or the Commission's rules, regulations or orders thereunder, and (3) a petition seeking relief otherwise than by application or complaint.

9-02. By the Commission. Proceedings may be instituted by the Commission, upon complaint or upon its own motion, by the issuance of a complaint, order to show cause or order of investigation.

10. Complaints and Petitions.

10-01. General. All complaints and petitions shall conform to the requirements of Rule 4.

10-02. Contents. Every complaint and petition, unless otherwise specified, shall contain the following:

- (a) The name and address of the person by or on whose behalf the filing is made.

- (b) The name and address of an attorney or attorneys, if such person is represented by counsel.
- (c) A statement setting forth the nature of the interest of the complainant or petitioner in the subject matter of the filing and the position of such person with respect thereto.
- (d) A clear and concise statement of the facts upon which the filing is based.
- (e) A reference to the specific section or sections of the Act, rules, regulations, or orders of the Commission on which the filing is based and which authorizes the Commission to grant the authorization, permission or other relief requested.
- (f) A statement of the particular order, authorization, permission, or relief sought.
- (g) All other information as required by the Commission's rules and regulations under which the specific complaint or petition is filed, and as may be required by the Commission in a particular case or proceeding.

10-03. Petitions for Issuance, Amendment or Repeal of Rules. A petition for the issuance, amendment or repeal of a rule by the Commission shall set forth clearly and concisely petitioner's interest in the subject matter, the specific rule, amendment, or repeal requested and cite by appropriate reference the statutory provision or other authority therefor. Such petition shall set forth the purpose of, and the facts claimed to constitute the grounds requiring such rule, amendment, or repeal and shall otherwise conform to the requirements of Rule 4. Petitions for the issuance or amendment of a rule shall incorporate the proposed rule or amendment.

11. Informal Complaints.

11-01. Form and Content. Informal complaint may be made by letter or other writing and will be serially numbered and filed as of the date of its receipt. No form of informal complaint is prescribed but in substance the letter or other writing should contain as much information as possible.

11-02. Handling. Matters so presented will be taken up by the Commission with the parties affected by correspondence, or otherwise, in an endeavor to bring about an adjustment of the subject matter of the complaint without a formal order or hearing.

11-03. General. An informal complaint will not be docketed for formal hearing and no formal order will be issued thereon. Only formal complaints submitted and prosecuted in the manner prescribed in Rule 10 will initiate formal proceedings or make complainant a party to any proceedings already initiated and only formal complaints will be admitted in the record of formal proceedings. The filing of an informal complaint, however, is without prejudice to the right to thereafter file a formal complaint.

12. Proceedings Initiated by the Commission.

12-01. How Initiated. Proceedings may be initiated by the Commission by the issuance of an order to show cause, an order of investigation, or by a complaint.

12-02. Contents. Any order to show cause, order of investigation, or complaint issued by the Commission shall set out the grounds therefor with such clarity as to inform the respondent or respondents therein named of the matters and issues involved and shall specifically refer to the provisions of the Act and of the rules, regulations, or orders of the Commission considered to be involved in the proceedings.

12-03. Service, Answer and Hearing. A copy of the order of complaint instituting the proceeding, shall be served upon the respondent or respondents in the manner set forth in Rule 5. Unless so directed by the Commission, answers or other pleadings need not, but may, be filed by the respondent or respondents within fifteen (15) days after service. Any proceeding instituted by the Commission by order to show cause, by order of investigation or by complaint, shall be determined and disposed of after hearing in accordance with the procedures applicable to other formal proceedings.

12-04. Investigations by the Commission. Nothing in this Rule 12 or in these Rules shall be construed to limit or impair the power of the Commission to undertake and conduct investigations for any statutory purpose and such investigations may be conducted by the Commission without notice. No final order based on such investigation compelling any person to comply therewith shall be issued without affording any party affected thereby opportunity for a hearing.

13. Answers

13-01. When Required. When provided for by these Rules or by the Act, an answer may be filed by each respondent named in an order to show cause, order of investigation or complaint issued by the Commission. An answer may be filed to any formal complaint or petition filed by any person other than the Commission by each respondent against whom any relief is requested. Joint answers may be filed when common issues of fact or law are involved.

13-02. Content. An answer must admit or deny each material allegation of the pleading to which it responds and shall be so drawn as to fully disclose the particular grounds upon which it is based. Answers may contain matters of affirmative defense as well as denials of material allegations. All matters set forth in an answer shall be deemed denied without the filing of any other pleading. All answers shall conform to Rule 4.

13-03. Time for Filing. All answers shall be filed within fifteen (15) days of service of the pleading to which the answer is to be filed, unless otherwise ordered by the Commission.

14. Protests

14-01. Proceedings in Which Protest May be Filed. A protest may be filed against the granting of any application or against any petition or other request for any authorization, certificate or permission, or for relief from any provision of the Act, rules, regulations, or orders thereunder, by any person having a substantial interest therein.

14-02. Content. A protest shall set forth specifically the grounds upon which it is made and shall specifically refer to any provision of the Act or of the rules, regulations or orders of the Commission upon which the protest is based. Each protest shall contain a concise statement setting forth the interest of the protestant in the proceeding.

14-03. When Filed. Unless otherwise provided by order or notice, protests shall be filed at least ten (10) days before the hearing called on an application, petition, or other request, except tariffs proposing a change in fare(s), in which event a protest shall be filed at least ten (10) days before the proposed effective date of said tariff.

14-04. Petition for Investigation of Proposed Tariff or Rate Schedule. Petitions requesting suspension and investigation of tariffs proposing changes in fares, or regulations pertaining thereto, shall

be considered as protests. For formal party status, petitions must conform to the requirements of these Rules, except that such protests shall be filed no later than ten (10) days prior to the time the change in tariff or schedule is specified to become effective.

15. Motions

15-01. Scope and Contents. A timely motion may be filed for any relief or action of the Commission for which no other pleading is available under these Rules. All motions shall be submitted in writing, except motions made on the record during a hearing. At the direction of the presiding officer, such oral motions shall be reduced to writing and filed within the time specified by the presiding officer. Motions shall set forth the ruling or relief sought and state the grounds therefor and the statutory or other authority relied upon. Except for good cause shown, any motion, filed prior to hearing, which seeks dismissal of a pleading or the postponement of a hearing must be filed at least ten (10) days before the date set for the hearing.

15-02. Objection. An answer or objection to a motion may be filed within five (5) days after service of a motion.

15-03. Reply. A reply may be filed within three (3) days after service of such objection or answer, but shall not reargue propositions presented in the motion nor present matters which are not strictly in reply to new matter presented in such objection or answer.

15-04. Rulings on. The presiding officer designated to preside at a hearing is authorized to rule upon any motion made during the course of the hearing or upon any motion not formally acted upon by the Commission prior to the commencement of the hearing where immediate ruling is essential in order to proceed with the hearing; provided, however, that no motion made before or during a hearing, a ruling upon which would involve or constitute a final determination of the proceeding, shall be ruled upon by a presiding officer. The presiding officer, upon his own motion or, in his discretion, upon motion of any party, may certify any motion to the Commission before the hearings are concluded.

16. Intervention

16-01. By Petition. Any person not named as a party in a proceeding, but having a substantial interest therein, who has not timely filed a protest, may petition the Commission for leave to intervene [no later than the first day of the hearing.] No such petition shall be granted except on good cause being shown for failure to file a protest.

16-02. Form and Contents of Petitions. A petition to intervene shall set forth the grounds of the proposed intervention, the position and the interest of the petitioner in the proceeding and whether petitioner's position is in support of or in opposition to the relief sought. Such a petition shall conform to Rule 4.

16-03. Service; Replies. A petition to intervene shall be served upon each party to the proceeding. Any reply in opposition to a petition for leave to intervene must be filed within five (5) days after service. In the discretion of the Commission leave to intervene may be granted or denied before the expiration of the time allowed for replies.

16-04. Disposition. Leave will not be granted except on averments reasonably pertinent to the issues already presented and which do not unduly broaden them. If leave is granted the petitioner thereby becomes an intervener and a party to the proceeding.

17. Prehearing Conferences

17-01. Purposes. Upon written notice by the Commission in any proceeding, parties or their attorneys may be directed to appear before the Commission or a presiding officer at a specified time and place for a conference, prior to or during the course of a hearing, or, in lieu of personally appearing, to submit suggestions in writing, for the purpose of formulating issues and considering:

- (1) The simplification of issues;
- (2) The necessity or desirability of amending the pleadings either for the purpose of clarification, amplification or limitation;
- (3) The possibility of making admissions of certain averments of fact or stipulations concerning the use by either or both parties of matters of public record, such as annual reports and the like, to the end of avoiding the unnecessary introduction of proof;
- (4) The procedure at the hearing;
- (5) The limitation of the number of witnesses;
- (6) The propriety of prior mutual exchange between or among the parties of prepared testimony and exhibits; and
- (7) Such other matters as may aid in the disposition of the proceedings.

17-02. Facts Disclosed Privileged. Facts disclosed in the course of the prehearing conference are privileged and, except by agreement, shall not be used against participating parties either before the Commission or elsewhere unless otherwise fully established by other evidence.

17-03. Recordation and Order. Action taken at the conference, including a recitation of the amendments allowed to the pleadings and the agreements made by the parties as to any of the matters considered, shall be recorded in an appropriate order, unless the parties enter upon a written stipulation as to such matters, or agree to a statement thereof made on the record by the presiding officer.

17-04. Objection to the Order; Subsequent Proceedings. If a prehearing order is entered a reasonable time shall be allowed to the parties to present objections on the ground that it does not fully or correctly embody the agreements reached at such conference. Thereafter, the terms of the said order or modification thereof, any written stipulation, or any statement of the presiding officer, as the case may be, shall determine the subsequent course of the proceedings, unless modified to prevent manifest injustice.

18. Subpoenas

18-01. Requests; Issuance. Unless directed by the Commission upon its own motion, a subpoena to compel a witness to produce documentary evidence will be issued only upon petition showing general relevance and reasonable scope of the evidence sought, which petition must also specify with particularity the books, papers, or documents desired, and the facts expected to be proved thereby: Provided, however, that for good cause shown, in lieu of a petition, the request for such a subpoena may be made orally upon the record to the officer presiding at the hearing. A request for issuance of a subpoena other than to compel the production of documentary evidence may be made either by letter (original only need be filed with the Commission) or orally upon the record to the officer presiding at the hearing. A showing of general relevance and reasonable scope of the evidence sought may be required and the subpoena will be issued or denied accordingly. A subpoena may be issued by the Commission or by the officer presiding at the hearing, but only under the signature of the Executive Director or a member of the Commission.

18-02. Service and Return. A subpoena may be served by a United States Marshall or his Deputy, or by any other person who is not less than 18 years of age. If service of subpoena is made by a United States Marshall or his Deputy, such service shall be evidenced by his

return thereon. If made by another person, such person shall make affidavit thereof, describing the manner in which service is made, and shall return such affidavit on or with the original subpoena. Service of subpoena upon the person named shall be made by delivering a copy thereof to him or by delivering a copy thereof to his place of business or to his residence. In case of failure to make service, the reasons for failure shall be stated on the original subpoena. The original subpoena, bearing or accompanied by the authorized return, affidavit or statement, shall be returned forthwith to the Commission or, if so directed on the subpoena, to the presiding officer before whom the person named in the subpoena, is required to appear.

18-03. Fees of Witnesses. Witnesses subpoenaed shall be paid the same fees and mileage as are paid for like services in the District Courts of the United States, which shall be paid by the party requesting the subpoena. The Commission, before issuing any subpoena, may require a deposit of an amount adequate to cover the fees and mileage involved.

19. Depositions

19-01. When Permissible. The testimony of any person who is or will be unable, for good cause, to testify before the Commission may be taken by deposition, upon order issued by the Commission either upon application by a party or upon its own initiative.

19-02. Motion for Order to Take. A motion to take a deposition shall be filed with the Commission not less than fifteen (15) days before the proposed date for taking the deposition, unless the Commission shall permit otherwise. The motion shall set forth the reason for the deposition, the place and time of taking, the officer before whom it is to be taken, the names and addresses of the witnesses, and whether the deposition is to be based upon written interrogatories or upon oral examination. If the deposition is to be based upon oral examination, the motion shall contain a statement of the subject matter concerning which each witness will testify. If the deposition is to be based on written interrogatories, the motion shall be accompanied by the interrogatories to be propounded. Copies of all motions to take depositions, and accompanying interrogatories, if any, shall be served on all parties. A party served with a motion to take a deposition may object to the taking of such deposition by filing with the Commission and serving upon all parties within five (5) days after receipt of the motion to take a deposition, a notice of such objection stating the reasons therefor. A party served with a motion to take a deposition

on written interrogatories shall have ten (10) days, or such other time as the Commission may permit, after receipt of service of such motion, within which to file and serve written cross-interrogatories. Upon the issuance of an order by the Commission for the taking of a deposition, the Executive Director shall mail a copy thereof to all parties and fix the date for taking of such deposition. An application to take a deposition in a foreign country will be entertained when necessary or convenient, and authority to take such deposition will be granted upon such notice and other terms and directions as are lawful and appropriate.

19-03. Contents of Order to Take. The order issued authorizing the taking of a deposition shall state the name and address of each witness, and the subject matter concerning which it is expected such witness will testify, the place where, the time when, and the officer before whom the deposition is to be taken. An alternate officer to take the deposition may be named. If the deposition is to be taken upon written interrogatories, a list of the interrogatories shall accompany the order.

19-04. Officer Before Whom Taken. Within the United States or within the territory or insular possessions subject to the dominion of the United States, depositions shall be taken before an officer authorized to administer oaths by the laws of the United States or of the place where the examination is held. Within a foreign country a deposition may be taken before an officer or person designated by the Commission, or agreed upon by the parties by stipulation in writing to be filed with the Commission.

19-05. Record of Examination. The officer before whom the deposition is to be taken shall put the witness on oath or affirmation and shall personally, or by someone acting under his direction and in his presence, record the testimony of the witness. The testimony shall be taken stenographically and transcribed unless the parties agree otherwise. All objections made at the time of the examination to the qualifications of the officer taking the deposition, or to the manner of taking it, or to the evidence presented, or to the conduct of any party, and any other objections to the proceedings, shall be noted by the officer upon the deposition. Evidence objected to shall be taken subject to the objections. Any party served with a notice to take an oral deposition may cross-examine a witness whose testimony is taken under such deposition. In lieu of cross-examination, parties served with notice of taking a deposition may transmit written interrogatories or cross-interrogatories to the officer taking the deposition, who shall propound them to the witness and record the answers verbatim together with any objections interposed thereto by adverse parties.

19-06. Submission to Witness. When the testimony is fully transcribed the deposition of each witness shall be submitted to him for examination and shall be read to or by him. Any change in form or substance which the witness desires to make shall be entered upon the deposition by the officer with a statement of the reasons given by the witness for making them. The deposition shall then be signed by the witness, unless the parties by stipulation waive the signing or the witness is ill or cannot be found or refuses to sign. If the deposition is not signed by the witness, the officer shall sign it and state on the record the fact of the waiver or of the illness or absence of the witness or the fact of the refusal to sign together with the reason, if any, given therefor; and the deposition may then be used as fully as though signed, unless on a motion to suppress the Commission holds that the reasons given for the refusal to sign require rejection of the deposition in whole or in part.

19-07. Certification and Filing by Officer. The officer taking the deposition shall certify on the deposition that the witness was duly sworn or put on affirmation by him and that the deposition is a true record of the testimony given by the witness, and that said officer is not of counsel or attorney to any of the parties, or interested in the event of the proceeding or investigation. He shall then securely seal the deposition in an envelope endorsed with the title of the action and marked "Deposition of (here insert name of witness)" and shall promptly send the original and three copies thereof, together with the original and, where practicable, three copies of all exhibits by registered mail to the Commission.

19-08. Waiver of Objections. Objections to the form of question and answer shall be made before the officer taking the depositions, and if not so made shall be deemed waived. Provided, that if no representative of the Commission is present at the taking of the deposition of any witness, such deposition shall, when offered at the hearing, be received in evidence subject to proper legal objection by staff counsel.

19-09. Time of Filing. Depositions shall be filed with the Commission before they are offered as evidence.

19-10. Inclusion in Record. No deposition shall constitute a part of the record in any proceeding until received in evidence at a hearing.

19-11. Fees. A witness whose deposition is taken pursuant to these Rules and the officer taking same, unless he be employed by the Commission, shall be entitled to the same fee paid for like service in the District Court for the District of Columbia, which fee shall be paid by the party at whose instance the deposition is taken.

20. Hearings

20-01. How Ordered. Hearings for the purpose of taking evidence shall be held upon order by the Commission and notice thereof shall be given as provided in Rule 6. The Commission, or the presiding officer, if the hearing is not being conducted by the Commission, may continue, adjourn or postpone any hearing upon its or his own motion or upon the motion of any party. Notice of all postponements, continuances or adjournments of hearing shall be posted as provided in Rule 6-02. If such action is ordered otherwise than upon the record during a hearing, the Commission shall give notice thereof to the parties to the proceeding by mail or telegram, but shall not be required to make publication of such action or otherwise undertake to advise the parties or the public with respect to such action.

20-02. Consolidation. The Commission, upon its own motion or upon motion by a party or staff counsel, may order proceedings involving a common question of law or fact to be consolidated for hearings or for determination of any or all the matters in issue in such proceedings.

20-03. Presiding Officers. All hearings shall be held before the Commission or a duly designated presiding officer. A presiding officer may withdraw from a proceeding when he deems himself disqualified, or he may be withdrawn by the Commission for good cause found after timely affidavits alleging personal bias or other disqualifications have been filed and the matter has been heard by the Commission or by a presiding officer to whom it has delegated the matter for investigation and report.

20-04. Authority. The presiding officer may set hearings and control the course thereof; administer oaths; issue subpoenas; receive evidence; hold appropriate conferences before or during hearings; rule upon all objections or motions which do not involve final determination of proceedings; receive offers of proof; hear arguments; and fix the time for filing of briefs. He may take such other action as may be necessary and appropriate to the discharge of his duties, consistent with the statutory or other authorities under which the Commission functions and with the rules, regulations and policies of the Commission.

20-05. Order of Procedure. Unless otherwise ordered by the Commission or the presiding officer, in proceedings initiated by application, complaint, or petition, the applicant, petitioner or complainant shall open and close at the hearing. Intervenors shall follow the party in whose behalf the intervention is made. When proceedings have been consolidated for hearing, the Commission or the presiding officer shall designate who shall open and close and the order in which the parties shall present evidence. In proceedings where evidence is peculiarly within the knowledge or control of a party, this fact may be taken into account in designating the order of presentation of evidence.

20-06. Presentation by Parties. Parties and staff counsel shall have the right of presentation of evidence, cross-examination, objection, motion, argument and appeal, subject to any limitations imposed by the Commission or the presiding officer on the number of witnesses that may be heard upon any issue raised in the proceeding, the number of persons individually participating in the proceeding, and the number of attorneys who will be permitted to examine or cross-examine witnesses or otherwise participate in the proceedings, in order to expedite the hearing and to eliminate unnecessary duplication and cumulative evidence and argument. Witnesses shall be examined orally unless the testimony is taken by deposition as provided in Rule 19, or the facts are stipulated in the manner provided in Rule 23-10, or prepared expert testimony is submitted in accordance with Rule 23-04. The Commission or the presiding officer may limit the number of witnesses that may be heard upon any issue.

20-07. Objections and Exceptions. Formal exceptions to a ruling by the Commission or presiding officer are unnecessary. It is sufficient that a party, at the time the ruling is made or sought, make known on the record the action which he desires the Commission or the presiding officer to take, or his objection to the action of the Commission or the presiding officer, and his grounds therefor.

20-08. Additional Evidence. At any stage of the hearing, the Commission or the presiding officer may call for further evidence upon any issue, and require such evidence to be presented by the party or parties concerned or by the staff counsel, either at that hearing or adjournments thereof. At the hearing, the Commission or the presiding officer may, if deemed advisable, authorize any participant to file specific documentary evidence as a part of the record within a fixed time, expiring not less than ten (10) days before the date fixed for filing and serving briefs.

20-09. Record. The record of a proceeding shall consist of all pleadings, transcript of testimony, exhibits, notices, orders, exceptions, and decisions and opinions of the Commission.

20-10. Transcript and Record. Hearings shall be stenographically recorded by the official reporter of the Commission and a transcript of said report shall be a part of the record and the sole official transcript of the proceeding. Such transcript shall include a verbatim report of the hearings and nothing shall be omitted therefrom, except as is directed on the record by the Commission or the presiding officer. After the closing of the record, there shall not be received in evidence or considered as part of the record any document, letter or other writings submitted after the close of testimony, except as provided in Rule 20-08, or changes in the transcript as provided in Rule 20-11, or upon motion to the Commission or the presiding officer.

20-11. Transcript Corrections. Corrections in the official transcript may be made only to make it conform to the evidence presented at the hearing and to speak the truth. No corrections or physical changes shall be made in or upon the official transcript of the proceedings except as herein provided. Transcript corrections agreed to by opposing attorneys may be incorporated into the record, if and when approved by the Commission or the presiding officer, at any time during the hearing or after the close of evidence, as may be permitted by the Commission, but not less than ten (10) days in advance of the time fixed for filing final briefs. The Commission or the presiding officer may call for the submission of proposed corrections and may make disposition thereof at appropriate times during the course of a proceeding.

21. Copies of Transcripts.

21-01. Availability to Participants in Public Hearings. Except in uncontested cases and where dispensed with by the Commission, a stenographic record of all public hearings will be made and such copies of the transcript thereof as it requires for its own purposes. Participants desiring copies of such transcripts may obtain the same from the official reporter upon payment of the fees fixed therefor. The Commission shall make available to the public during normal business hours one copy of the transcript, which copy may not be removed from the Commission's offices.

22. Shortened Proceedings.

22-01. Where Hearing Waived. In any proceeding in which the Commission is authorized to act after opportunity for hearing, if the parties waive hearing, such opportunity shall be deemed to have been afforded by service or the giving of notice, as provided in Rules 5 and 6, of the application or other initial pleading, request, or other filing, such notice fixing a reasonable period of time within which any

person desiring to be heard may file a protest or petition. Upon the expiration of such period of time, in the absence of a request for hearing, the Commission may forthwith dispose of the matter upon the basis of the pleadings and other submittals and the studies and recommendations of the staff. A party not requesting oral hearing in its pleadings shall be deemed to have waived a hearing for the purpose of such disposition, but shall not be bound by such waiver for the purposes of any application for rehearing with respect to an order so entered.

23. Evidence

23-01. Admissibility. Relevant and material evidence shall be admissible, but the Commission or presiding officer may exclude such evidence as is unduly repetitious or cumulative.

23-02. Rulings. The presiding officer shall rule on admissibility of all evidence. Such rulings may be reviewed by the Commission in determining the matter on its merits. In extraordinary circumstances, where prompt decision by the Commission is necessary to promote substantial justice, the presiding officer may refer the matter to the Commission for determination.

23-03. Offers of Proof. An offer of proof for the record shall consist of a statement of the substance of the evidence to which objection has been sustained. If the excluded evidence is in documentary or written form or consists of reference to documents or records, a copy of such evidence shall be marked for identification and shall constitute the offer of proof.

23-04. Prepared Testimony. With the approval of the presiding officer, a witness may read into the record his testimony on direct examination. Before any prepared testimony is read, the witness shall deliver copies thereof to the presiding officer, the reporter, and all counsel or parties. Admissibility shall be subject to the rules governing oral testimony. If the presiding officer deems that substantial saving in time will result, and where the parties so agree, prepared testimony may be copied into the record without reading, provided that copies thereof shall have been served upon all parties and the Commission five (5) days before the hearing or such prior service is waived.

23-05. Documentary -- Commission Files and Records in Other Proceedings. If any matter contained in a report or other document filed with the Commission, or any portion of the record before the Commission in any proceeding other than the one being heard, is offered in evidence, such report or other document or record in the other proceeding need not be produced or marked for identification, but may be identified by specifying the report or other document or the portions of the record in such

other proceeding in such manner that the same may be readily located and identified. Upon being received in evidence, a true copy of such matter or of such portion of the record in the other proceeding shall be presented for incorporation in the record in the form of an exhibit unless, in the discretion of the Commission or the presiding officer, such matter or such portion of the record in the other proceeding is permitted to be incorporated in the record by reference.

23-06. Documentary -- Material From State Commissions and Interstate Commerce Commission. Matter contained in a report or other document on file with, and portions of proceedings before, the Public Service Commission of the District of Columbia, the Public Service Commission of Maryland, the Virginia State Corporation Commission, or the Interstate Commerce Commission may be identified and received in evidence in the manner permitted by Rule 23-05 for matter contained in reports and other documents on file with, and portions of proceedings in other cases before, the Commission.

23-07. Official Notice of Facts. Official notice may be taken of such matters as might be judicially noticed by the Courts of the United States and of any other matter peculiarly within the knowledge of the Commission as an expert body.

23-08. Exhibits. Wherever practicable, all exhibits of a documentary character offered in evidence shall be on paper of good quality and so prepared as to be plainly legible and durable, whether printed, photostated or typewritten, and shall conform to the requirements of Rule 4 whenever practicable.

23-09. Copies of Exhibits. When exhibits of a documentary character are offered in evidence, copies shall be furnished to the Commission or to the presiding officer and to the parties or counsel, including staff counsel.

23-10. Stipulations. In addition to stipulations made as provided by Rule 17-03, the parties and staff counsel may stipulate as to any relevant matters of fact or the authenticity of any relevant documents. Such stipulations may be received in evidence at a hearing and when so received shall be binding on the parties and staff counsel with respect to the matters therein stipulated.

24. Briefs and Oral Arguments.

24-01. Briefs. The Commission or presiding officer may fix the time for the filing of briefs. Concurrent briefs are preferable. Exhibits may be reproduced in an appendix to a brief. A brief of more than 20 pages shall contain a subject index and table of authorities.

Requests for extension of time to file briefs must be made in writing to the Commission, and a copy thereof served upon or mailed to the other party to the proceeding. Ordinarily, when a matter is to be submitted on concurrent briefs, extensions will not be granted unless a stipulation is filed with the Commission. The original of each brief shall contain a certification that copies have been served as required by Rule 5-02.

24-02. Oral Argument. If the Commission or the presiding officer is of the opinion that the complexity or importance of the issues so warrant, the Commission or the presiding officer may direct or permit the presentation or oral argument.

25. Decisions

25-01. Issuance of Decisions. A proceeding shall stand submitted for decision by the Commission after the taking of evidence, and the filing of such briefs or the presentation of such oral argument as may have been prescribed by the Commission or the presiding officer.

25-02. Service of Decisions and Orders. Decisions and orders shall be served by the Executive Director, who shall serve copies thereof upon all parties or their attorneys of record, including staff counsel, whose appearances have been entered pursuant to Rule 3-06.

26. Form of Briefs; Copies .

26-01. Form of Briefs. Briefs shall conform to the requirements of Rule 4.

26-02. Number of Copies. Four legible copies of briefs shall be filed with the Executive Director.

27. Reopening Proceedings.

27-01. Method of Reopening -- By the Parties. At any time after the conclusion of a hearing in a proceeding or adjournment thereof sine die, but before entering and issuance by the Commission of a final order or rule, any party to the proceeding or staff counsel may file with the Commission a petition to reopen the proceeding for the purpose of taking additional evidence. Such petition shall set forth clearly the facts claimed to constitute grounds requiring reopening of the proceeding, including material changes of fact or law alleged to have occurred since the conclusion of the hearing, and shall in all other respects conform as applicable to the requirements of Rules 4 and 5.

27-02. Method of Reopening -- by the Commission on Its Own Initiative. If, after the hearing in a proceeding, the Commission shall have reason to believe that conditions of fact or of law have so changed as to require, or that the public interest requires, the reopening of such proceeding, the Commission will issue an order for the reopening of the same.

27-03. Answer. Within five (5) days following the service of such petition or order, any party to the proceeding or staff counsel may file with the Commission his answer thereto, and in default thereof shall be deemed to have waived any objection to the granting of such petition.

27-04. Commission Action. As soon as practicable after the filing of answers to such petitions or default thereof, as the case may be, the Commission will grant or deny such petition.

28. Reconsideration of Orders.

28-01. Application. Any person affected by any final order or decision of the Commission may, within thirty (30) days after the publication thereof, file with the Commission an application in writing requesting a reconsideration of the matters involved.

28-02. Content, Form and Copies. An application for reconsideration shall state specifically the errors claimed as grounds for such reconsideration. Applications for reconsideration shall be filed with the Executive Director and shall comply with the requirements of Rule 4, but need not be verified under oath. Service, as required by Rule 4, shall be made by the party filing the application for reconsideration upon all parties to the proceeding, and such service shall be indicated upon a certificate accompanying the filing of the application.

28-03. Action on Application. The Commission in its discretion may permit or require oral argument or briefs, or both, upon an application for reconsideration. The Commission, within thirty (30) days after filing of such application, shall either grant or deny it. Failure by the Commission to act within such period shall be deemed a denial of the application. If the application be granted, the Commission, after notice to all parties, shall, either with or without hearing, rescind, modify, or affirm its order or decision.

28-04. Reply. A reply may be filed within five (5) days after service of such application. A reply is not required and, if the circumstances so warrant, the Commission will not delay its action upon the application for reconsideration to await a reply.

28-05. Stay. The filing of an application for reconsideration shall act as a stay upon the execution of the order of the decision of the Commission until the final action of the Commission upon the application; provided, however, that upon written consent of the applicant such order or decision shall not be stayed, unless otherwise ordered by the Commission.

29. Reports of Compliance.

29-01. When any person subject to the jurisdiction of the Commission is required to do or perform any act by Commission order, there shall be filed with the Commission within thirty (30) days following the date when such requirement became effective, a notice, under oath, stating that such requirement has been met or complied with; provided, however, that the Commission in specific orders may provide for a different time for the giving of such notice of compliance. Such reports shall conform to requirements of Rules 4 and 5.

30. Waiver of Rules.

30-01. The Commission may in its discretion waive any of the provisions of these Rules in any proceeding after duly advising the parties of its intentions so to do.

31. Amendment and Repeal of Rules.

31-01. These rules may be amended, altered, changed or repealed at any time by the Commission.

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REGULATIONS
OF
WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

51. Definitions

51-01. Carrier. The term "Carrier" means any person who engages in the transportation of passengers for hire by motor vehicle, street railroad, or other form or means of conveyance.

51-02. Certificate of Public Convenience and Necessity. "Certificate of Public Convenience and Necessity" means the requisite authorization or permission granted by the Commission to carriers to engage in transportation subject to the Compact.

51-03. Certificate. The term "Certificate" as used herein means a certificate of public convenience and necessity unless the concept requires a different meaning.

51-04. Regular Route Operation. The term "Regular Route Operation" means scheduled service over designated streets and highways between fixed termini for the purpose of performing mass transportation of passengers; provided, that the holder of regular route authority may conduct any type of operations between points on and over said route, including passengers in charter and special operations.

51-05. Irregular Route Operation. The term "Irregular Route Operation" means any operation conducted pursuant to a certificate not included within the term "Regular Route Operation".

*Amended by
Charter # 1367
10-16-74* ↘ 51-06. Charter Operation. The term "Charter Operation" means the transportation of a group of passengers who, pursuant to a common purpose and under a single contract, has acquired the exclusive use of a vehicle or vehicles to travel together.

51-07. Special Operation. The term "Special Operation" means the transportation of passengers for a special trip, for which the carrier contracts with each individual separately.

51-08. Tariff. The term "Tariff" means a document, including supplements thereto, containing fares and charges of carriers of passengers, together with governing rules, regulations, and practices, applicable in connection therewith.

51-09. State. The term "State" means the Commonwealth of Virginia, State of Maryland or the District of Columbia.

51-10. Metropolitan District. The term "Metropolitan District" means the Washington Metropolitan Area Transit District as defined in Article I of the Compact, as amended.

51-11. Definitions Contained in the Compact. The definitions contained in the Compact shall have the same meaning in these Regulations.

51-12. Definitions Contained in Rules of Practice. The terms defined in the "Rules of Practice" shall have the same meaning when used in these Regulations.

52. Continuation of Rates in Effect Prior to March 22, 1961

52-01. Filing. Each carrier which immediately prior to March 22, 1961, was engaged as a carrier in transportation subject to the Act, shall, within ninety (90) days after March 22, 1961, file all tariffs, schedules or rates, contracts, and orders relating to transportation subject to this Act, setting forth the fares which such carrier charged or was authorized to charge immediately prior to such date under the law or laws affecting such fares. Such tariffs, schedules of rates, contracts and orders shall become effective upon filing and shall remain effective until changed in the manner provided in the Act and in these Regulations.

53. Outstanding Orders and Regulations of Predecessor Commissions

53-01. To Be Continued in Effect. In order to effectuate the orderly transition of the regulatory function from the predecessor Commissions to this Commission and to provide for the continuity of transportation service in the Metropolitan District, all rules, regulations, orders, decisions, or other action prescribed, issued, made, or taken by the Interstate Commerce Commission, the Public Utilities Commission of the District of Columbia, the Public Service Commission of Maryland, or the State Corporation Commission of Virginia, and which are in force at the time the Compact takes effect on March 22, 1961, with respect to the transportation and persons subject to this Act, to the extent not in conflict or inconsistent with rules, regulations, orders or other action prescribed, issued, made or taken by this Commission, are hereby continued in effect as though issued in the first instance by this Commission, and shall remain in effect until changed by this Commission in the exercise of its powers under the Act.

GENERAL REGULATIONS

54. Applications -- Operating Rights

54-01. Filing. Every person seeking (1) authority to render a new transportation service, (2) temporary authority therefor, (3) amendment of certificate, (4) to revoke a certificate, or (5) to transfer a certi-

ificate shall file an application prepared in accord with and contain the information called for in the form of application prescribed by the Commission, and any instructions issued by the Commission with respect to the filing of an application.

54-02. Copies. Copies of the above applications shall be furnished in such number as prescribed in the application form.

54-03. Notice. A copy of every application relating to operating rights shall be served by the applicant upon every carrier affected thereby; and where any such application affects existing service, notice thereof shall be posted in buses rendering said service simultaneously with the filing of such application.

55. Tariffs

55-01. Filing with Commission. Every carrier, except operators of taxicabs, operating under the jurisdiction of the Commission, shall maintain on file, in duplicate, with the Commission at all times a tariff naming its rates, fares and charges and pertinent rules and regulations governing the application thereof.

55-02. Form and Size. All tariffs and supplements thereto shall be printed, typewritten or otherwise duplicated, such material shall be on paper cut or folded to letter size, 8 to 8-1/2 inches wide by 10-1/2 to 11 inches long, with left-hand margin not less than 1-1/2 inches wide and other margins not less than 1 inch. No alteration by writing or erasure shall be made in any tariff or supplement thereto.

55-03. Posting. Every carrier required to file a tariff with the Commission shall have on file at all times at each of its terminals or stations at which an agent is employed on a full-time basis and at its principal place of business a copy of its tariffs and supplements thereto. Employees of the carrier shall be required to give any desired information contained in such tariffs, to lend assistance to seekers of information therefrom, and to afford inquirers opportunity to examine any such tariffs without requiring the inquirer to assign any reason for such desire.

55-04. Title Page. The title page of each tariff and supplement thereto shall show in the order named: (1) Each tariff shall be numbered in the upper right hand corner preceded by the letters "WMATC TARIFF." Numbers shall run consecutively beginning with the next consecutive number in existing series, or, if no tariffs have been issued previously, beginning with No. 1; (2) when tariffs are issued cancelling a tariff or tariffs previously filed, the WMATC TARIFF number or numbers that have been cancelled must also be shown in the upper right or left hand corner of the new tariff; (3) supplement to a tariff, in addition to showing the WMATC TARIFF number of the tariff amended thereby shall be numbered with number 1 and such information shall be shown in the upper right hand corner. Supplements shall also show in the upper right hand corner the number of any previous supplement cancelled thereby and also the numbers of the supplements containing all changes from the tariff.

There shall be no more than five supplements to a tariff, not including suspended matter, in effect at the same time; (4) name of carrier. The name of the carrier must be the same as that appearing on its certificate; (5) if the carrier is not a corporation, and a trade name is used, the name of the individual or partners must precede the trade name; (6) a brief description of the territory within which, or points from and to or between which, the tariff applies; (7) date issued and date effective; (8) name, title and address of person issuing tariff.

55-05. Contents of Tariff. Tariffs shall contain in the order named:

(1) Table of contents, arranged in alphabetical order showing the number of the page on which each subject may be found. If a tariff contains so small a volume of matter that its title page or interior arrangement plainly discloses its contents, the table of contents may be omitted.

(2) Explanation of all abbreviations, symbols, and reference marks used in the tariff.

(3) Rules, regulations and practices covering the general application of fares and charges and other pertinent matters.

(4) An explicit statement of the fares in cents or in dollars and cents, together with the names or description of the points from and to which they apply.

55-06. Adoption Notice. When a certificate is transferred to another carrier, or when the name of a carrier is changed, the new carrier shall have issued an adoption notice as a supplement to the former carrier's tariff, reading as follows:

"Effective (here insert the effective date of the notice), all fares and charges published herein for account of (here insert name of former carrier) are hereby adopted by (here insert name of new carrier) and made its own in every respect as if originally published for its account."

In addition to the above adoption notice, the adopting carrier shall immediately file with the Commission a consecutively numbered supplement, or a new tariff, giving effect to the tariff adopted.

55-07. Powers of Attorney and Concurrences. Whenever two or more carriers join in a tariff, authority by means of proper power of attorney and/or concurrences must be given the agent or carrier publishing the tariff. The original of all powers of attorney and concurrences shall be filed with the Commission and a duplicate of the original filed with

agent or carrier in whose favor such document is issued. Whenever a carrier desires to cancel the authority granted an agent or another carrier by power of attorney or concurrence, this may be done by a letter addressed to the Commission revoking such authority on thirty (30) days' notice unless otherwise authorized by the Commission. Copies of such notice must also be mailed concurrently to all interested parties.

55-08. Rates, Fares, and Charges. No carrier shall charge or demand or collect or receive a greater or less or different compensation for transportation, or for any service in connection therewith, than the rates, fares, and charges specified in its currently effective tariffs; and no carrier shall in any manner or by any device, directly or indirectly, or through any agent, or otherwise, refund or remit any portion of the rates, fares, or charges so specified, or extend to any person any privileges or facilities with respect to matters required by the Commission to be specified in such tariffs, except those specified therein.

56. Change in Fares and Charges

56-01. Regular Route; Filing. To change the fare or charge, or any rule, regulation or practice thereto, for a regular route operation, a carrier shall file a new tariff or supplement, containing the proposed changes, complying with Regulation 55 of these Regulations.

(a) Proposed Effective Date. Each tariff filed under this regulation shall state a date on which the new tariff shall take effect, and such date shall be at least thirty (30) days after the date on which the tariff is filed, unless the Commission by order authorizes its taking effect on an earlier date.

(b) Notice. In addition to the requirement of Rule 6-03, such carrier shall notify the public of any proposal to change its existing fares, regulations or practices relating thereto, by means of a notice posted in a conspicuous place in each of its vehicles operating over the routes affected. Such notice shall be not less than 120 square inches in size, printed in type sufficiently large to permit of its being read under ordinary conditions by passengers seated in the conveyance, and shall contain substantially the following legend:

NOTICE OF INCREASED FARES

(name of carrier)

A tariff proposing increases in fares, effective (Date)
has been filed with the Washington Metropolitan Area Transit Commission. The proposed fares are:

Any person affected may object to the proposed increase in fare by filing notice thereof with the Commission on or before

date of tariff). Persons desiring formal party status must comply with Rule 14.

All notices shall be posted as prescribed herein contemporaneously with the filing with the Commission of any tariff containing the proposed increased fares. Notices with respect to the filing of a tariff shall remain posted until the increased fares become effective, or until suspended by the Commission or withdrawn by the carrier prior to their effective date.

(c) Supporting Data. Each tariff, or change therein, filed pursuant to Regulation 56-01 shall be accompanied by an exhibit (s) setting forth in detail the reasons relied upon by the carrier to justify and support the change in fare, or any regulation or practice relating to a fare. Unless any or all of the supporting data required below is waived or excepted by the Commission, each tariff shall be accompanied by the exhibits specified below, which shall explain clearly the method and basis for all allocations and estimates used in preparing the projected statements.

(1) A detailed balance sheet showing the financial condition of applicant as of the latest date available;

(2) A detailed income statement of applicant for the latest twelve-month period available, including operating ratio;

(3) A projected statement of net earnings after all taxes, for the ensuing twelve-month period under the existing fares, together with supporting details, including operating ratio;

(4) A projected statement of net earnings, after all taxes, for the ensuing twelve-month period under the proposed fares, together with supporting details, including operating ratio;

(5) A detailed schedule of plant and equipment used and useful in rendering transportation, showing cost and accumulated depreciation reserve applicable thereto and, with respect to rolling stocks, dates of acquisition, make, model, seating capacity and whether air-conditioned, and

(6) A schedule showing plant in service, return and rate of return of investment in such plant; actual for the latest available twelve-month period, and estimated for the twelve-month period immediately following based on the projections of earnings specified in paragraphs (3) and (4) of this section.

(d) Prepared Testimony. Prepared direct testimony, in question and answer form, of all witnesses through which applicant proposes to adduce evidence, including those who will sponsor the exhibits prescribed above. Twenty copies shall be filed.

56-02. Non-Regular Route; Filing. To change a fare or charge, or rule, regulation, or practice relating thereto, for any operation other than regular route, a carrier shall file a new tariff or supplement, which shall contain the proposed changes, and shall conform to the

requirements of Regulation 55. The tariff shall be accompanied by detailed reasons for the proposed change.

56-03. Contracts

(a) Filing. Every carrier operating pursuant to a contract shall maintain on file, in duplicate, with the Commission at all times a copy of such contract.

(b) Contents. The contract must fully set out all obligations, considerations and privileges of all parties to the contract, including transportation fares or charges, the area to be served, number of passengers to be transported, if known, type of equipment to be used and such other information as may be necessary to a clear and full understanding of the contract. The contract must contain an effective date and termination date, and must be signed and properly executed by all parties to the contract.

(c) Change in Contract Fares. No fare or charge provision of any contract may be changed except by approval by the Commission upon application duly made upon thirty (30) days' notice to the Commission. The Commission may waive the notice requirement upon the showing of good cause, and such waiver is in the public interest.

56-04. Taxicab Fares. Operators of taxicabs seeking approval for a change in fares shall file a petition containing the proposed fares and the proposed effective date.

56-05. Staff Requests. The Commission may, by appropriate staff request, in writing signed by the Executive Director, require the carrier to furnish such other information as may be reasonable and useful for its study of the case.

56-06. Suspension. The Commission may suspend the proposed effective date of the change pending investigation or hearing to determine whether the proposed change should be approved or disapproved. Any fare or charge, or rule, regulation or practice relating thereto not suspended shall become effective upon the proposed effective date.

57. Consolidations, Mergers and Acquisition of Control

57-01. Form and Contents of Application. Every application, pursuant to Article XII, Section 12 of the Compact, for approval of any consolidation, merger, purchase, lease, contract or acquisition of control shall set forth in detail the proposed transaction, shall be prepared in accord with and contain the information called for in the form of application prescribed by the Commission.

57-02. Temporary Approval. Pending determination of an application filed pursuant to 57-01, every application for temporary approval shall state the need for such approval, as it relates to the destruction of or injury to the properties sought to be acquired or to interfere substantially

with their future usefulness, performance and adequate service to the public.

58. Issuance of Securities

58-01. Approval by the Commission. No carrier subject to the Compact, except as hereinafter provided, shall issue any securities, or directly or indirectly receive any money, property, or services in payment of securities issued or to be issued by it, until the Commission, by order, shall have approved the issuance of such securities; provided, however, that any carrier, the major portion of whose operations are outside the Metropolitan District, and which, before issuing securities, must obtain the approval of the Interstate Commerce Commission, the Public Service Commission of Maryland, or the State Corporation Commission of Virginia, is exempted from the provisions of this rule.

58-02. Form and Contents of Application. Every application for approval of issuance of securities shall be in accord with and contain the information called for in the form of application.

59. Routes; Change in, or Abandonment Thereof.

59-01. Filing of Routes Information. Every carrier operating pursuant to a certificate over regular routes shall maintain on file with the Commission at all times the information set forth below on the location, termini and description of each route over which it conducts a regular route passenger operation:

(1) A description by street location of each main route, trunk route or line including the street locations of the route termini.

(2) A description by street location of each branch route, including the street location of the branch route termini, which constitute a part of the operations over the main route, trunk route or line;

(3) A brief statement of the nature and type of transportation services provided over the main route and all related branch routes;

(4) A map or maps showing the location of the main route and all related branch routes;

(5) A statement of the numbers of vehicles assigned to the main route, trunk route or lines during the rush hours of the base day, and assigned as spares showing the garage or carhouse location of the vehicles, the seating capacities of vehicles, and the vehicle's number or class.

59-02. Filing of Application to Change Route. No carrier may change any passenger route, or any portion thereof, without prior approval of the Commission. Requests for a change in a route shall be filed on forms prescribed by the Commission. If the proposed route is not over streets

described in its certificate, or otherwise authorized therein, the carrier shall concurrently apply for such authority.

59-03. Filing of Application to Abandon Route. No carrier may abandon any route, or any portion thereof, without prior approval of the Commission. Requests for abandonment of route other than as a result of an application pursuant to 59-02 shall be filed on forms prescribed by the Commission.

59-04. Effective Date. Each application must be filed at least thirty (30) days prior to the proposed effective date unless the Commission by order authorizes its taking effect on an earlier date.

59-05. Notice. The carrier shall notify the public of the proposed change or abandonment by means of a notice posted in a conspicuous place in each of its vehicles operating over the affected route. Such notice shall be not less than one hundred twenty (120) square inches in size and shall adequately inform the passengers seated in the conveyance of the proposed change or abandonment and the proposed effective date. All notices shall be posted as prescribed herein contemporaneously with the filing of the application with the Commission, until the effective date or suspension order.

59-06. Suspension. The Commission may suspend the proposed effective date of change or abandonment of a route pending an investigation or hearing.

60. Time Schedules, Changes Therein, and Priority of Operations

60-01. Filing. Every carrier operating over regular routes shall maintain on file in duplicate with the Commission at all times a complete time schedule or schedules, prepared in accordance with the requirements of Regulation 60-03, and shall operate its vehicles in conformity therewith.

60-02. Posting. Every carrier required to file a time schedule with the Commission shall have posted at all times at each of its terminals or stations at which an agent is employed on a full-time basis a copy of its time schedules, and shall make available to the members of the public a copy of its time schedules upon request. The driver of each vehicle shall make available to the public, upon request, copies of time schedules covering the route of operations.

60-03. Form and Content. All time schedules shall be printed, typewritten or otherwise duplicated in permanently legible form. Each time schedule shall contain the following information:

- (1) The route number covered by the schedule;

(2) Each time schedule shall be numbered consecutively beginning with the next consecutive number in the existing series, or, if no schedule has been previously filed, beginning with number 1; the applicable WMATC File Number shall be displayed.

(3) When schedules are issued cancelling previously issued schedules, the schedule number or numbers being cancelled shall also be shown; also show proposed effective date.

(4) Name and address of carrier;

(5) The termini and points between which the schedule applies, briefly stated;

(6) Each schedule shall indicate the headway applicable to weekdays, Saturday, Sunday and Holidays. The schedule shall indicate which hours are classified as rush and non-rush hours;

60-04. Notice of Change in Base Schedule. No carrier shall make any change in its base schedules, except schedules in which the headway is ten (10) minutes or less, without giving a minimum of fifteen (15) days' notice to the public. Notice to the public shall be given by posting a copy of the proposed time schedule in a conspicuous place in all buses affected by the proposed change and by filing a copy of the proposed schedule with the Commission.

60-05. Special Approval. The Commission may, by special approval, as the public interest may require, authorize changes in schedules on less notice than is required by Regulation 60-04.

60-06. Route Abandonment. Schedule changes which propose abandonment of all service on a route, or a portion thereof, are subject to Regulation 59.

60-07. Objection. Anyone may file a protest or informal complaint pursuant to the Commission's Rules of Practice and Procedure to proposed time schedule change, which protest or informal complaint must be filed with the Commission within ten (10) days after the proposed time schedule is filed with the Commission.

60-08. Suspension. The Commission may, upon protest, informal complaint or upon its own motion, suspend the proposed effective date of the schedule change pending investigation or hearing to determine whether the schedule change should be approved or disapproved. Any schedule not suspended shall become effective upon the proposed effective date shown on the schedule.

60-09. Priority of Operations. At all times Regular Route Operations shall have priority over Charter and Special Operations with respect to assignment of equipment and drivers.

61. Real Property, Removal from Service or Divestiture Of

61-01. Approval to Remove. It shall be unlawful, without the prior approval of the Commission, for any carrier engaged in regular route operations to remove from service, convert to other use, or abandon any real property used and useful in the performance of those services to the public such as are subject to the jurisdiction of the Commission.

61-02. Approval to Divest. It shall be unlawful, without the prior approval of the Commission, for any carrier engaged in regular route operations to divest itself of any real property used and useful in the performance of those services to the public such as are subject to the jurisdiction of the Commission, or of control over any such real property, whether that control be exercised via lease, option to buy, stock ownership, or otherwise. This regulation does not apply to leases and option agreements entered into in the normal course of operations of any carrier, there being no obligation on any carrier to renew such leases or to renew or exercise such options.

61-03. Appraisal. In applying for such removal or divestiture, if directed by the Commission, the applicant shall append to the application a certified appraisal, by a professional appraiser of recognized standing showing, as of the proposed date of divestiture, (a) the respective values of the land and of the depreciable property thereon if continued in carrier service and (b) if devoted to the highest and most profitable use for which such property is adaptable and needed, or likely to be needed in the reasonably near future, taking into account, however, the existence of any buildings or other structures thereon and the cost of their removal if such removal is required for such highest and most profitable use.

61-04. Accounting Treatment. If the Commission approves the removal or divestiture, the following accounting treatment shall be prescribed: (a) the operating property accounts shall be adjusted to reflect the appraised values for land and for buildings as accepted by the Commission; (b) the adjustment to the Land Account shall be contra-charged or contra-credited, as applicable, to the carrier's Surplus or Retained Earnings Account; (c) the adjustment to the Buildings and/or other depreciable property account shall be contra-charged or contra-credited, as applicable, to the Depreciation Expense-Adjustments Account; provided, however, that if the appraised value of depreciable property is such that the required adjustment exceeds the cumulative depreciation theretofore charged to operations for such property, the amount of the adjustment contra-credited to the Depreciation Expense-Adjustments Account shall be limited to the amount of such cumulative depreciation for such property and the excess shall be credited directly to the Retained Earnings Account; (d) after these adjustments to the relevant operating property accounts, these property accounts are to be transferred, at the new fair values, out of the operating property accounts of the carrier.

61-05. Public Interest. The Commission shall not withhold approval if it finds that such action is not contrary to the public interest.

62. Security for the Protection of the Public

62-01. General. No carrier subject to the provisions of the Compact shall engage in any operations, subject to the jurisdiction of the Commission, within the Metropolitan District, and no certificate shall be issued to any carrier or remain in force unless and until there shall have been filed with and accepted by the Commission a certificate of insurance, a surety bond or proof of qualifications as a self-insurer, except taxicab operators, in the amounts prescribed in Regulation 62-03, conditioned to pay any final judgment recovered against such carrier for bodily injuries to, or the death of, any person resulting from the negligent operation, maintenance or use of motor vehicles in transportation subject to the Compact, or for loss of or damage to property of others.

62-02. Continuing Compliance Required. Such security as is accepted by the Commission shall remain in effect at all times.

62-03. Minimum Amounts. The minimum amounts referred to in Regulation 62-01 are hereby prescribed as follows:

(a) For carriers other than operators of taxicabs:

(1) Kind of Equipment	(2) Limit for bodily injuries to or death of one person	(3) Limit for bodily injuries to or death of all persons injured or killed in any one accident (subject to a maximum of \$15,000 for bodily injuries to or death of one person)	(4) Limit for loss or damage in any one accident to property of others
Passenger equipment (seating capacity): 12 passengers or less	\$15,000	\$60,000	\$5,000
13 to 20 passengers inclusive	\$15,000	\$90,000	\$5,000
21 to 30 passengers	\$15,000	\$120,000	\$5,000
31 passengers or more	\$15,000	\$150,000	\$5,000

(b) Operators of Taxicabs:

Taxicab Operators engaged in interstate operations over which the Commission has jurisdiction shall meet the minimum requirements of the respective states and political subdivisions thereof having jurisdiction over the intrastate operations of such taxicabs.

62-04. Certificates of Insurance and Surety Bonds. Each certificate of insurance or surety bond filed with the Commission must be for the full limits of liability required under these sections, and no certificate of insurance or surety bond will be accepted by the Commission unless written or issued by an insurance or surety company legally authorized to issue policies of the type indicated by such certificate or surety bond, as the case may be, in each state in which the carrier is authorized to operate under the Compact.

62-05. Qualifications as a Self-Insurer. The Commission will give consideration to, and will approve the application of, a carrier to qualify as a self-insurer if such carrier furnishes a true and accurate statement of its financial condition and other evidence which will establish to the satisfaction of the Commission the ability of such carrier to satisfy its obligations for bodily injury liability and property damage liability without affecting the stability or permanency of the business of such carrier.

62-06. Forms and Procedure. Endorsements for policies of insurance, and surety bonds, certificate of insurance, applications to qualify as a self-insurer and notices of cancellation must be in the form prescribed and approved by the Commission. Certificates of insurance and surety bonds shall specify that coverage thereunder will remain in effect continuously until terminated as herein provided except that in special or unusual circumstances special permission may be obtained for filing certificates of insurance or surety bonds, covering periods of less durations.

62-07. Filing in Triplicate Required. Certificates of insurance, surety bonds, and notices of cancellation must be filed with the Commission in triplicate on forms prescribed by the Commission.

62-08. Name of Insured. Certificates of insurance and surety bonds shall be issued in the full and correct name of the individual, partnership, corporation or other person to whom the certificate, permit, or license is, or is to be, issued. In the case of a partnership all partners shall be named.

62-09. Cancellation Notice. Except as provided in Regulation 62-10 herein, surety bonds, certificates of insurance and other securities or agreements shall not be cancelled or withdrawn until after thirty (30) days' notice in writing by the insurance company, surety or sureties, motor carrier, or other party thereto, as the case may be, has first been given to the Commission at its office, which period of thirty (30) days shall commence to run from the date such notice is actually received at the office of the Commission.

62-10. Termination by Replacement. Certificates of insurance or surety bonds which have been accepted by the Commission under these rules may be replaced by other certificates of insurance or surety bonds, and the liability of the retiring insurer or surety under such certificates of insurance or surety bonds shall be considered as having terminated as of the effective date of the replacement certificate of insurance or surety bond, provided the said replacement certificate or bond or other security meets all of the following conditions: (1) It must be acceptable to the Commission under these Regulations; (2) It must be accompanied by a letter of authorization, in duplicate, signed by the carrier involved, or an authorized employee of such carrier, authorizing such replacement and verifying the effective date thereof; and (3) Its effective date must coincide with the effective date specified in the letter of authorization and the said date may not be more than thirty (30) days prior to the date of receipt by the Commission of the letter of authorization and replacement certificate.

62-11. Right to Revoke. The Commission may, upon thirty (30) days' notice, revoke its acceptance of any surety bond, certificate of insurance or qualifications as a self-insurer if, in the judgment of the Commission, such security does not comply with the Commission's regulations or for any reason fails to provide satisfactory or adequate protection for the public.

62-12. Form of Certificate of Insurance. The certificate of insurance for bodily injury and property damage liability insurance required herein shall be in the following form:

UNIFORM MOTOR CARRIER BODILY INJURY AND PROPERTY
DAMAGE LIABILITY CERTIFICATE OF INSURANCE

(Executed in triplicate)

Filed with _____ (hereinafter called Commission)

THIS IS TO CERTIFY, That the _____
(Name of Company)
(hereinafter called Company) of _____
(Home office address of Company)
has issued to _____ of _____
(Name of Motor Carrier) (Address of Motor Carrier)
Policy No. _____ Effective from _____ to _____.

(If continuous - complete "Until Cancelled")

12:01 A.M., standard time, at the address of the insured stated in the policy, which policy, by attachment of the Uniform Motor Carrier Bodily Injury and Property Damage Liability Endorsement, provides automobile bodily injury and property damage liability insurance covering the obligations imposed upon such person or organization by the provisions of the Washington Metropolitan Area Transit Regulation Compact or regulations promulgated in accordance therewith.

Whenever requested, the Company agrees to furnish the Commission a duplicate original of said policy and all endorsements thereon.

The endorsement described herein may not be cancelled unless the Company gives the Commission notice in writing, said cancellation to be effective _____ days after such notice is received by the Commission.

Countersigned at _____ this _____ day of _____, 19____.

(Authorized Company Representative)

62-13. Form of Insurance Endorsement. The bodily injury and property damage liability endorsement, which shall be attached to and made a part of the insurance policy certified to in the certificate of insurance shall be in the following form, actual size:

UNIFORM MOTOR CARRIER BODILY INJURY AND PROPERTY
DAMAGE LIABILITY ENDORSEMENT

It is agreed that:

1. The certification of the policy, as proof of financial responsibility under the provisions of any state or federal motor carrier law or regulations promulgated by any public or federal authority having jurisdiction with respect thereto, amends the policy to provide insurance for automobile bodily injury and property damage liability in accordance with the provisions of such law or regulations to the extent of the coverage and limits of liability required thereby; provided only that the insured agrees to reimburse the company for any payment made by the company which it would not have been obligated to make under the terms of this policy except by reason of the obligation assumed in making such certification.

2. Cancellation of the policy and this endorsement may be affected only after giving _____ days notice in writing to the public or federal authority with which such certificate has been filed.

3. The Uniform Motor Carrier Bodily Injury and Property Damage Liability Certificate of Insurance has been filed with public or federal authority No. (s) _____, as identified on the reverse side hereof.

Forming a part of the policy to which attached.

Name of Company _____

President's Signature _____

(Complete the following only if endorsement is to become effective after policy inception date)

Issued to form a part of Policy No. _____, effective _____.

Countersigned by _____
(Authorized Representative)

62-14. Form of Notice of Cancellation of Insurance. Notice of cancellation of insurance required to be filed by Regulation 62-09 shall be effected through the filing of a notice of cancellation which shall be in the following form:

UNIFORM NOTICE OF CANCELLATION OF INSURANCE
POLICY MOTOR CARRIER

(Executed in Triplicate)

Filed with _____ (hereinafter called Commission)
(Name of Commission)

This is to advise that Policy No. _____ issued to _____

_____ of _____
(Name of Motor Carrier) (Address of Motor Carrier)

By _____
(Name of Company)

(Address)

including any and all endorsements forming a part thereof or certificates issued in connection therewith, is hereby cancelled, effective as of the _____ day of _____, 19____, 12:01 A.M., standard time at the address of the insured as stated in said policy or _____ days after the receipt of this notice by the Commission, whichever is later.

62-15. Form of Reinstatement of Insurance. A motor carrier desiring to file a reinstatement of insurance which has been cancelled shall file a new certificate of insurance in the form prescribed by Regulation 62-12.

62-16. Form of Surety Bond. The surety bond for bodily injury property damage liability required herein shall be in the following form:

MOTOR CARRIER BODILY INJURY
LIABILITY AND PROPERTY DAMAGE
LIABILITY SURETY BOND

(Executed in Triplicate)

KNOW ALL MEN BY THESE PRESENTS, That _____,
a corporation created and existing under the laws of the State of _____,
with principal offices at _____, (hereinafter called Surety), as
Surety for _____, of _____,
(Name of Motor Carrier Principal) (City)
_____, (hereinafter called Principal),
(State)

is held and firmly bound unto the Washington Metropolitan Area Transit Commission, Washington, D. C., in the sum or sums hereinafter provided for which payment, well and truly to be made, said Surety hereby binds itself, its successors and assigns, firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH THAT:

WHEREAS, the Principal is or intends to become a carrier subject to the provisions of and the rules and regulations of the Commission relating to insurance or other security for the protection of the public, and has elected to file with the Commission a surety bond conditioned as hereinafter set forth; and

WHEREAS, this bond is written to assure compliance by a Principal as a carrier of passengers with Section 9 of Article XII of the Compact, and the rules and regulations of the Washington Metropolitan Area Transit Commission relating to insurance or other security for the protection of the public, and shall inure to the benefit of any person or persons who shall recover a final judgment or judgments against the Principal for any of the damages herein described.

NOW, THEREFORE, if every final judgment recovered against the Principal for bodily injury to or the death of any person or loss of or damage to the property of others; sustained while this bond is in effect, and resulting from the negligent operation, maintenance, or use of motor vehicles or street railways in transportation subject to the Washington Metropolitan Area Transit Commission (but excluding injury to or death of the Principal's employees while engaged in the course of their employment, and loss of or damage to property of the Principal and property transported by the Principal designated as cargo), shall be paid, then this obligation shall be void, otherwise to remain in full force and effect.

Within the limits hereinafter provided, the liability of the Surety extends to such losses, damages, injuries, or death regardless of whether such motor vehicles are specifically described herein and whether occurring on the route or in the territory authorized to be served by the principal or elsewhere.

This bond is effective from _____ (12:01 a.m., standard time, at the address of the Principal as stated herein) and shall continue in force until terminated as hereinafter provided. The Principal or the Surety may at anytime terminate this bond by written notice to the Commission at its office in Washington, D. C., such termination to become effective thirty (30) days after actual receipt of said notice by the Commission. The surety shall not be liable hereunder for the payment of and judgment or judgments against the Principal for bodily injury to or the death of any person or persons or loss of or damage to property resulting from accidents which occur after the termination of this bond as herein provided, but such termination shall not affect the liability of the Surety hereunder for the payment of any such judgment or judgments resulting from accidents which occur during the time the bond is in effect.

The liability of the Surety on each motor vehicle shall be the limits prescribed in Washington Metropolitan Area Transit Commission Regulation 62-03.

IN WITNESS WHEREOF, the said Surety has executed this instrument on the _____ day of _____, 19____.

(Surety)

_____, _____
(City) (State)

Affix Corporate Seal

BY _____

ACKNOWLEDGMENT OF SURETY

State of)
) ss
County of)

On this _____ day of _____, 19____, before me personally came _____, who, being by me duly sworn, did depose and say that he resides in _____, that he is the _____ of the _____, the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal is affixed by order of the board of directors of said corporation; that he signed his name thereto by like order, and he duly acknowledged

to me that he executed the same for and on behalf of said corporation.

(Title of Official Administering Oath)

(Official Seal)

Surety Company File No. _____

62-17. Form of Notice of Cancellation of Surety Bond. Notice of cancellation of surety bond required to be filed by Regulation 63-09, shall be affected through the filing of a notice of cancellation which shall be in the following form.

NOTICE OF CANCELLATION OF
MOTOR CARRIER SURETY BOND

(Executed in Triplicate)

Filed with _____ (hereinafter called Commission). This is to advise that, under the terms of surety bond executed in behalf of _____ of _____
(Name of Principal) (Address of Principal)

said bond, including any and all riders or certificates attached thereto to be issued in connection therewith, is hereby cancelled, effective as of the _____ day of _____, 19____, 12:01 A.M., standard time at the address of the Principal, as stated in said bond, provided said date is not less than thirty (30) days after receipt of this notice by the Commission.

Principal or Surety

(Surety Co. File No.)

62-18. Effective Date. Regulation 65 and all sections thereof shall become effective January 1, 1962. In the interim, the requirements relating to insurance, surety bonds, or self-insurance of any federal, state, or political subdivision thereof having jurisdiction shall be complied with. Appropriate evidence of such interim compliance shall be filed with the Commission.

63. Rendition of Adequate Service.

63-01. Duty to Perform. It shall be the duty of every carrier to render reasonable, continuous and adequate service, and to perform all transportation authorized by its certificate or by the law in the manner stated in its certificate, time schedules, and tariffs.

63-02. Schedule Protection. Each regular route bus company shall assign a sufficient number of bus operators to "stand extra" or "report" during the times of bus pull-outs from each operating division to assure the operation of all scheduled trips.

64. Accounts and Records

64-01. Uniform System of Accounts. Each carrier engaged in regular route operations shall keep its accounts in accordance with such uniform system of accounts as may be prescribed by the Commission. As of the effective date of the Compact, each carrier shall continue to keep its accounts in accordance with the uniform system of accounts in effect prior to that date until otherwise ordered by the Commission. In the event any carrier, as of the effective date of the Compact, is subject to the accounting requirements of more than one State Commission, any such carrier subject to the accounting requirements of the Public Utilities Commission of the District of Columbia shall continue to keep its accounts in accordance with the requirements of that Commission in effect on the effective date of this Compact and all other such carriers shall continue to keep their accounts in accordance with the requirements of the Interstate Commerce Commission.

64-02. Accounting Records. Each carrier shall keep its general accounting books, and all records which support in any way the entries to such accounting books, in such manner that it can furnish at any time full and complete financial and statistical information with respect to the activities in which it is engaged (whether or not any such activities constitute transportation subject to the Compact).

All entries to the accounts shall be supported with such detailed information as will provide a ready analysis and verification of the facts with respect thereto. All expenditures must be fully supported by vouchers, payrolls, receipted bills, cancelled checks, receipts for petty cash payments, or other evidences of the expenditures incurred.

At all times the Commission and each of its members shall have access to all lands, buildings and equipment of all carriers, and to all accounts, records, and memoranda kept by such carriers. When authorized by the Commission to do so, any employee of the Commission may inspect any such land, buildings and equipment, and all accounts, records and memoranda. This regulation shall apply, to the extent found by the Commission to be reasonably necessary for the administration of the Compact, to any person controlling, controlled by or under common control with, any carrier.

Each carrier shall provide adequate space and facilities, reasonably accessible to the general accounting records, for employees of the Commission when engaged in any investigation or examination of the accounts or records of the carrier.

Each carrier which operates wholly within the Metropolitan District, shall maintain its principal office and keep all of its accounts, records and memoranda within the said Metropolitan District. No accounts, records or memoranda shall be removed from the Metropolitan District for any purposes without prior approval of the Commission, except to the extent that such accounts, records and memoranda may be required for purposes of another regulatory agency having jurisdiction over a portion of the operations of any carrier.

64-03. Accounting Period. Each carrier shall keep its books on a calendar year basis. The accounts shall be closed monthly, with final entries to be recorded on the books not later than the last day of the following month, unless otherwise authorized by the Commission.

64-04. Preservation of Records. Each carrier shall preserve its records in conformity with the "Regulations to Govern the Destruction of Records of Class I Motor Carriers" prescribed by the Interstate Commerce Commission, Issue of 1965, the said regulations and any modifications thereof being adopted by this Commission unless otherwise ordered.

65. Reports

65-01. Annual Reports. Each carrier engaged in regular route operations shall file with the Commission on or before the thirty-first day of March of each year an annual report setting forth in detail, in such form as the Commission shall prescribe, the financial condition of the carrier as of the close of the preceding calendar year, the results of operations during the year, and such other financial and statistical information as may be called for. The report shall be

filed in duplicate on forms provided by the Commission, and shall be certified as to its accuracy by an official of the carrier.

65-02. Other Reports. In addition to the annual report referred to above, each carrier engaged in regular route operations shall file with the Commission, in such form as the Commission shall prescribe, a monthly financial and statistical report setting forth the results of operations for each month of the calendar year, said report to be filed not later than the last day of the month following that covered by the report.

65-03. Sightseeing Reports. Every carrier holding a certificate of public convenience and necessity issued by the Commission shall file with the Commission, on or before the 31st day of March of each year, an annual report, in such form as the Commission shall prescribe, setting forth financial, statistical and general information pertaining to its sightseeing operations.

66. Regulations Pertaining to Loading Standards, for Rush and Non-Rush Scheduling of Service

Between the hours of 6:00 A.M. and 9:30 A.M., and between 3:00 P.M. and 7:00 P.M., on a normal weekday (Monday-Friday), the ratio of passengers to seats shall not exceed 140% during any 30-minute period at the maximum load point on each individual line.

Between the hours of 6:00 A.M. and 7:00 P.M., on a normal Saturday the ratio of passengers to seats shall not exceed 120% during any 30-minute period.

At all other times, the ratio of passengers to seats shall not exceed 100% during any 30-minute period.

The half-hour period is to be measured commencing on the hour and quarter-hour points of the hour.

The seating capacity of all buses shall be the actual seating capacity.

67. Regulations Governing Reduced Fares for School Children in the District of Columbia.

School children not over the age of eighteen (18) years, going to and from school, will be carried on buses under the conditions set forth as follows:

(A) Tickets will be sold at the published rate in each carrier's tariff in books containing either ten (10) or twenty (20) tickets.

(B) No tickets will be sold except upon presentation of an application form duly filled out, which will set forth the name and address of the child, the name or other designation of the school attended, and the child's age. This application must be signed by the pupil and by the principal or teacher of the school attended and must be dated. There will also be indicated the number of tickets purchased on each application, and the application will be surrendered when the purchase is completed. Application forms for school tickets shall be printed for distribution following the basic layout as reproduced herewith:

() DAY SCHOOL OR () NIGHT SCHOOL
Application for Pupil's Tickets
(Only ONE BOOK of tickets sold on this application)

To WMA Transit Company
D. C. Transit System, Inc.

Date _____

I hereby make application for pupil's school tickets and certify that I was _____ years of age on my last birthday; that I am a pupil attending _____ School; and that my home address is _____

I agree to use these tickets only in the District of Columbia, and for riding to or from school.

Signature of Pupil

Indicate by (X) in square below whether book of 10 tickets or book of 20 tickets is desired.

Book of 10 tickets @ \$1.00 ()

Book of 20 tickets @ \$2.00 ()

This is to certify that the above named pupil is attending the above named school, is not over 18 years of age, and is entitled to reduced school fare.

(Signature of Principal or Teacher)

Pupil's school tickets will be sold in books of ten (10) or books of twenty (20) only on presentation and surrender of this certificate, properly filled out, and attested by school principal or teacher, and with the understanding that the tickets are receivable as fare only when presented to bus operator with cover identification filled out.

(C) Application forms surrendered at time of purchase shall be kept on file in the office of the carrier, by months, for a period of not less than five (5) years.

(D) These reduced fare tickets may be used by children attending the public free schools in the District of Columbia, and by those attending other schools in the District of Columbia whose courses of instruction are similar to the ones given in the public schools.

(1) The reduced fare tickets may be used by children attending (a) the public free schools of the District of Columbia, (b) institutions of learning in the District of Columbia approved by the Commission.

(2) Approval previously granted by the Public Utilities Commission and this Commission shall remain effective.

(E) Each bus company will have a distinctive ticket good only on buses of that company.

(F) Free transfers will be issued on reduced fare wherever transfers are issued on adult fares. Such transfers will be accepted only at transfer points.

(G) These reduced fares will be good only when going to and from school and for day school between the hours of 5:30 A.M. and 7:00 P.M., on school days. Special tickets will be provided to be used by pupils of night schools and will be good between the hours of 4:30 P.M. and 11:00 P.M.

(H) At private and parochial or other denominational schools, tickets may be sold by the authorities at each school to its pupils, but each such sale must be evidenced by an application duly filled out.

(I) The carriers may set up locations for the sale of tickets throughout the city including the offices and divisions of the carriers, for the convenience of the purchasers.

(J) A list of the places where such tickets may be procured will be furnished to each of the schools throughout the city and to the Washington Metropolitan Area Transit Commission, and will be kept up to date as nearly as possible.

(K) Cash fares will not be accepted for transportation at the reduced rate.