

(b), (c), (d), or (e) of this section unless the mass transportation system affected or involved earns a reasonable return on its operation as a whole in performing mass transportation which is subject to the provisions of this Article and, in determining whether or not a mass transportation system is earning a reasonable return on its operation as a whole, the prudent operating ratio formula, where applicable, may be used as a standard.

88A. *Substitution of Commission for former Metropolitan Transit Authority.*

*In order to provide for the orderly transfer of jurisdiction from the former Metropolitan Transit Authority to the Commission over the transportation and persons engaged therein specified in Section 56A of this Article.*

(a) *Authority's records to be made available to Commission. The former Metropolitan Transit Authority shall make available to the Commission, and its agents and employees, for examination, inspection, study or reproduction, any and all records, papers, documents, data, information, decisions, and any and all other material which the Authority has in its possession or control in connection with or relative to any mass transportation system which has in the past or now is being operated and maintained in the area.*

(b) *Continuation of operation under existing permit or license. Any mass transportation system possessing a valid permit or license to operate in the area as of June 1, 1969, shall have the right to continue to operate under such permit or license until the same expires or is otherwise terminated.*

(c) *Rules of Authority to remain in effect, vacation or modification of "closed door" orders. All rules, regulations, orders, decisions, or other action prescribed, issued, made, or taken by the Authority and in force as of May 31, 1969, with respect to the transportation and persons engaged therein specified in Section 56A of this Article, shall remain in effect, and be enforceable under the provisions of, and in the manner specified by, this Article according to their terms, as though they had been prescribed, issued, made, or taken by the Commission pursuant to this Article, unless and until otherwise provided by the Commission in the exercise of its powers under this Article.*

(d) *Pending actions by or against Authority. No suit, action, or other judicial proceeding commenced prior to June 1, 1969, by or against the Authority, or any officer of the Authority in his official capacity or in relation to his discharge of official duties, shall be affected by this enactment and same shall be prosecuted and determined in accordance with the law applicable at the time such proceeding was commenced and the Commission shall be substituted for the Authority as plaintiff or defendant, as the case may be, and shall defend any such action against any officer of the Authority; and*

(e) *Proceedings pending before the Authority. The Commission shall continue and carry to a conclusion any proceeding, hearing, or investigation which, as of May 31, 1969, is pending before the Authority and any such proceeding, hearing, or investigation shall be governed by the provisions of this enactment.*