

MAINTAIN ANY THROUGH ROUTE AND JOINT FARE.

(C) WMATC SHALL NOT AUTHORIZE OR REQUIRE A PRIVATE CARRIER TO RENDER ANY SERVICE, INCLUDING THE ESTABLISHMENT OR CONTINUATION OF A JOINT FARE FOR A THROUGH-ROUTE SERVICE WITH THE AUTHORITY WHICH IS BASED ON A DIVISION THEREOF BETWEEN THE AUTHORITY AND PRIVATE CARRIER WHICH DOES NOT PROVIDE A REASONABLE RETURN TO THE PRIVATE CARRIER, UNLESS THE CARRIER IS CURRENTLY EARNING A REASONABLE RETURN ON ITS OPERATION AS A WHOLE IN PERFORMING TRANSPORTATION SUBJECT TO THE JURISDICTION OF WMATC. IN DETERMINING THE ISSUE OF REASONABLE RETURN, WMATC SHALL TAKE INTO ACCOUNT ANY INCOME ATTRIBUTABLE TO THE CARRIER, OR TO ANY CORPORATION, FIRM OR ASSOCIATION OWNED IN WHOLE OR IN PART BY THE CARRIER, FROM THE AUTHORITY WHETHER BY WAY OF PAYMENT FOR SERVICES OR OTHERWISE.

(D) IF THE WMATC IS UNABLE, THROUGH THE EXERCISE OF ITS REGULATORY POWERS OVER THE PRIVATE CARRIERS GRANTED IN PARAGRAPH (B) HEREOF OR OTHERWISE, TO BRING ABOUT THE REQUISITE COORDINATION OF OPERATIONS AND SERVICE BETWEEN THE PRIVATE CARRIERS AND THE AUTHORITY, THE AUTHORITY MAY IN THE SITUATIONS SPECIFIED IN PARAGRAPH (B) HEREOF, CAUSE SUCH TRANSIT SERVICE TO BE RENDERED BY ITS CONTRACTOR BY BUS OR OTHER MOTOR VEHICLE, AS IT SHALL DEEM NECESSARY TO EFFECTUATE THE POLICY SET FORTH IN § 55 HEREOF. IN ANY SUCH SITUATION, THE AUTHORITY, IN ORDER TO ENCOURAGE PRIVATE CARRIERS TO RENDER BUS SERVICE TO THE FULLEST EXTENT PRACTICABLE, MAY, PURSUANT TO AGREEMENT, MAKE REASONABLE SUBSIDY PAYMENTS TO ANY PRIVATE CARRIER.

(E) THE AUTHORITY MAY ACQUIRE THE CAPITAL STOCK OR THE TRANSIT FACILITIES OF ANY PRIVATE TRANSIT COMPANY AND MAY PERFORM TRANSIT SERVICE, INCLUDING SERVICE BY BUS OR SIMILAR MOTOR VEHICLE, WITH TRANSIT FACILITIES SO ACQUIRED OR WITH TRANSIT FACILITIES ACQUIRED PURSUANT TO ARTICLE VII, §20. UPON ACQUISITION OF THE CAPITAL STOCK OR THE TRANSIT FACILITIES OF ANY PRIVATE TRANSIT COMPANY, THE AUTHORITY SHALL UNDERTAKE THE ACQUISITION, AS SOON AS POSSIBLE, OF THE CAPITAL STOCK OR THE TRANSIT FACILITIES OF EACH OF THE OTHER PRIVATE TRANSIT COMPANIES WITHIN THE ZONE REQUESTING SUCH ACQUISITION. LACK OF SUCH REQUEST, HOWEVER, SHALL NOT BE CONSTRUED TO PRECLUDE THE AUTHORITY FROM ACQUIRING THE CAPITAL STOCK OR THE TRANSIT FACILITIES OF ANY SUCH COMPANY PURSUANT TO §82 OF ARTICLE XVI.

#### 57. RIGHTS OF PRIVATE CARRIERS UNAFFECTED.

NOTHING IN THIS TITLE SHALL RESTRICT OR LIMIT SUCH RIGHTS AND REMEDIES, IF ANY, THAT ANY PRIVATE CARRIER MAY HAVE AGAINST THE AUTHORITY ARISING OUT OF ACTS DONE OR ACTIONS TAKEN BY THE AUTHORITY HEREUNDER. IN THE EVENT ANY COURT OF COMPETENT JURISDICTION SHALL DETERMINE THAT THE AUTHORITY HAS UNLAWFULLY INFRINGED ANY RIGHTS OF ANY PRIVATE CARRIER OR OTHERWISE CAUSED OR PERMITTED ANY