

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1527

IN THE MATTER OF:

Served March 30, 1976

Application of IRONSIDES MEDICAL)
TRANSPORTATION CORPORATION for)
Temporary Authority to Perform)
Special Operations or Charter)
Operations)

Application No. 891

Application of IRONSIDES MEDICAL)
TRANSPORTATION CORPORATION for)
Certificate of Public Convenience)
and Necessity to Perform Special)
Operations or Charter Operations)

Application No. 902

Consolidated Docket
No. 303

BY THE COMMISSION:

By Application No. 902, dated January 5, 1976, Ironsides Medical Transportation Corporation (Ironsides) 1/ seeks a certificate of public convenience and necessity, pursuant to Title II, Article XII, Section 4(b) of the Compact, to transport disabled, infirm, handicapped, or wheelchair patients and their baggage and attendants, over irregular routes, in charter operations and special operations, within the Metropolitan District. See Compact, Title I, Article I. The application was the subject matter of a formal hearing convened on February 17, 1976. See Order No. 1480, served December 12, 1975, and Order No. 1487, served January 13, 1976.

The findings to be made by the Commission with respect to applications for certificates of public convenience and necessity are set forth in Title II, Article XII, Section 4(b) of the Compact. The Commission must make two separate findings. First, the applicant must be "fit, willing and able" to perform the proposed transportation properly and to conform to the provisions of the Compact and the rules, regulations and requirements of the Commission thereunder. Second, the proposed transportation "must be or will be required" by the public convenience and necessity.

1/ Ironsides also filed Application No. 891 for temporary authority. This decision shall consider and discuss only the permanent authority application. The application for temporary authority shall be considered moot and will be dismissed without further comment or discussion.

Ironsides is a Maryland corporation. It was formed to provide transportation services to persons confined to wheelchairs. The operations primarily involve transportation to and from hospitals, clinics, medical offices, and nursing homes. Ironsides currently is rendering transportation services for various medicaid recipients pursuant to agreement with the District of Columbia Department of Human Resources. Ironsides also is rendering transportation services as part of pilot programs being conducted by Prince Georges, Montgomery, Arlington, Fairfax, and Alexandria Counties. Ironsides has agreements with several hospitals to transport a particular type of patient who, due to a lack of certain equipment within the hospital, must be transported to another hospital at which the equipment is available. The Interstate Commerce Commission has authorized Ironsides to transport disabled passengers, their baggage and attendants, in special operations, over irregular routes, limited to the transportation of not more than 11 passengers in any one vehicle not including the driver thereof, between points in the District of Columbia, on the one hand, and on the other, points in New York, New Jersey, Pennsylvania, Delaware, Maryland and Virginia.

Ironsides renders the transportation service in specially modified van-type equipment. The vehicles have been equipped to provide access for persons travelling in wheelchairs and to provide clamps for maintaining wheelchairs in place when the vehicle is being operated. Ironsides currently operates six radio-equipped vans. The vehicle operators are specially trained emergency medical technicians.

Ironsides supported its application with several verified statements. These statements generally indicate a need for specialized medical transportation services. Such services are required to transport persons between residences and clinics, medical offices, or hospitals for the purpose of receiving medical treatments. The frequency and magnitude of use varies among the several institutions supporting the application. The Commission believes that the record clearly supports a finding that members of the general public need the specialized service being performed.

Ironsides has entered an agreement with the Department of Vocational Rehabilitation of the District of Columbia (DVR). That agreement apparently sets forth the rate structure, including time of response, mileage, and extra attendant charges, insurance coverage, records review, and billing procedure. DVR arranges transportation services primarily for out-patient treatment at local clinics, hospitals and medical offices. Ironsides has similar agreements with the medical assistance department in Montgomery and Prince George's Counties and the medicaid department in Arlington

and Fairfax Counties. 2/ These agreements provide for flat-rate charges for service within specified portions of the Metropolitan District.

The Commission believes that the record supports a finding that Ironsides is fit, willing and able to perform the proposed transportation properly and to conform to the provisions of the Compact and the rules, regulations and requirements of the Commission thereunder. The Commission further believes that the record supports a finding that the public convenience and necessity requires the approval of Ironsides' application for authority to perform special operations.

With respect to Ironsides' application for authority to perform charter operations, the Commission does not believe that the record supports a finding that the public convenience and necessity requires the approval of Ironsides' application. The record contains no evidence indicating a need for the transportation of a group of disabled, infirm, handicapped, or wheelchair patients and their baggage and attendants. There is no evidence to justify a finding that such patients would be transported pursuant to a common purpose and under a single contract in a vehicle or vehicles of which they would have acquired exclusive use. See Commission Regulation 51-06. Accordingly, the Commission shall deny that portion of Ironsides' application which seeks authority to perform charter operations.

The Compact bestows upon the Commission "the power to attach to the issuance of a certificate and to the exercise of rights granted thereunder such reasonable terms and conditions as the public convenience and necessity may require". See Compact, Title II, Article XII, Section 4(b). This grant of power to the Commission is subject to a restriction not herein relevant. The Commission believes that the authority granted to Ironsides should contain two restrictions. First, the Commission shall restrict the grant of authority to Ironsides to the transportation of handicapped or disabled passengers. This description of the passengers would embrace each of the descriptive terms proposed by Ironsides. In addition, the Commission shall authorize the incidental transportation of the attendants of such passengers. Second, the Commission shall limit the transportation to vehicles which accommodate not more than 15 passengers excluding the driver. The Commission believes that the public interest requires such restrictions and the special operations authority granted herein shall be so restricted.

2/ The major stockholder in Ironsides also is the major stockholder in Ironsides Medical Transportation Corporation of Northern Virginia. That corporation is a one van operation solely within Virginia. Ironsides of Northern Virginia is a separate corporation and is not subject to this Commission's jurisdiction. See Compact, Title II, Article XII, Section 1(b). Ironsides of Northern Virginia apparently renders service within Virginia pursuant to agreements with the medicaid departments of counties located in northern Virginia.

The Compact requires each carrier to "file with the Commission, and keep open to public inspection, tariffs showing (1) all fares it charges for transportation subject to this Act, . . . , and (2) to the extent required by regulations of the Commission, the regulations and practices of such carrier affecting such fares." See Compact, Title II, Article XII, Section 5(a). Ironsides filed as part of its application a schedule of three separate rates. Rate A would apply to transportation within a five mile radius from the origin point and would be \$20 one-way and \$35 round trip. Rate B would apply to transportation beyond a five mile radius from the origin point and would be the applicable Rate A plus \$1 per mile for each mile beyond the five mile radius. Rate C would be a negotiated rate for high frequency business. Ironsides apparently has two contracts for high frequency business. One is between Ironsides and D. C. Medicaid and involves an estimated 2,000 trips per year and the other is between Ironsides and Rodgers D. C. Memorial Hospital and involves an estimated 200 to 400 trips per year. The presently negotiated rate for such high frequency business is \$25 per round trip.

Ironsides submitted a summary statement of revenues and revenue deductions for the year ended December 31, 1975. That statement indicates operating revenues \$98,203.35 and operating expenses \$74,187.90. The net income before officer's salary was \$24,015.45. Ironsides also submitted a statement projecting revenues and revenue deductions for the year ending December 31, 1976. That projection statement indicates operating revenues \$150,000 and revenue deductions \$140,620. The result would be \$9,380 net income.

The Commission believes that the proposed schedule of rates would be compensatory. The Commission also accepts the use of negotiated rates with respect to the current transportation agreements between Ironsides and D. C. Medicaid, Ironsides and Rodgers D. C. Memorial Hospital, and Ironsides and each of the several local county departments concerned with medical transportation. The Commission finds that the proposed rate structure, including the negotiated charges, is just, reasonable and not unduly preferential or unduly discriminatory either between riders or sections of the Metropolitan District.

Ironsides shall be directed to file a tariff. The Commission also shall direct Ironsides to file copies of each contract which sets forth a negotiated rate. See Compact, Title II, Article XII, Section 5 and Commission Regulation 55. Ironsides may petition the Commission to be permitted to maintain confidentiality of the negotiated rates.

The Commission has considered the other matters pressed by the parties but finds they do not warrant action contrary to that which now is directed.

THEREFORE, IT IS ORDERED:

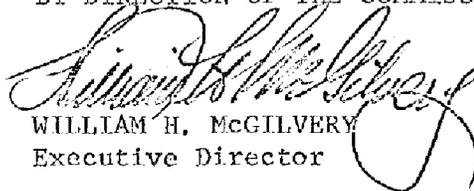
1. That Application No. 891 of Ironsides Medical Transportation Corporation for temporary authority to perform special operations or charter operations be, and it is hereby, dismissed without prejudice as moot.

2. That Application No. 902 of Ironsides Medical Transportation Corporation for certificate of public convenience and necessity to perform special operations and charter operations be, and it is hereby, granted in part and denied in part, as set forth herein.

3. That Ironsides Medical Transportation Corporation be, and it is hereby, issued Certificate of Public Convenience and Necessity No. 31, as attached hereto and made a part hereof.

4. That Ironsides Medical Transportation Corporation be, and it is hereby, directed to file two copies of WMATC Tariff No. 1 in accordance with the authority granted herein, together with two copies of any contract referred to in said tariff, such tariff to be effective upon acceptance by the Executive Director.

BY DIRECTION OF THE COMMISSION:


WILLIAM H. MCGILVERY
Executive Director

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

NO. 31

IRONSIDES MEDICAL TRANSPORTATION CORPORATION
SILVER SPRING, MARYLAND

By Order No. 1527 of the Washington Metropolitan Area Transit Commission issued March 30, 1976;

AFTER DUE INVESTIGATION, it appearing that the above-named carrier is entitled to receive authority from this Commission to engage in the transportation of passengers within the Washington Metropolitan Area Transit District as a carrier, for the reasons and subject to the limitations set forth in Order No. 31;

THEREFORE, IT IS ORDERED, that the said carrier be, and it is hereby, granted this certificate of public convenience and necessity as evidence of the authority of the holder to engage in transportation as a carrier by motor vehicle; subject, however, to such terms, conditions and limitations as are now, or may hereafter be attached to the exercise of the privilege herein granted to the said carrier.

IT IS FURTHER ORDERED that the transportation service to be performed by the said carrier shall be as specified below:

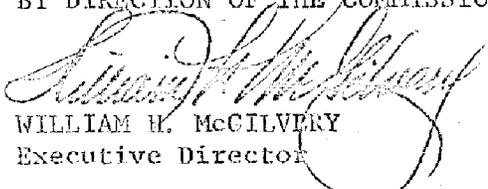
IRREGULAR ROUTES:

SPECIAL OPERATIONS, limited to handicapped or disabled persons together with their baggage and attendants, not including sightseeing or pleasure tours, between points within the Metropolitan District.

RESTRICTED to the performance of such operations in vehicles with a seating capacity of fifteen passengers excluding the driver.

AND IT IS FURTHER ORDERED and made a condition of this certificate that the holder thereof shall render reasonable, continuous and adequate service to the public in pursuance of the authority granted herein, and that failure so to do shall constitute sufficient grounds for suspension, change or revocation of the certificate.

BY DIRECTION OF THE COMMISSION:


WILLIAM H. MCGILVERY
Executive Director

