

- b. One-way trip outside the Capital Beltway
\$15.00 + \$.75 per loaded mile
- c. Round-trip within the Capital Beltway
\$25.00
Cancellation Charge 12.50
- d. Round-trip outside the Capital Beltway
\$25.00 + \$.75 per loaded mile
- e. Unusual circumstances requiring additional manpower
\$5.00 additional per trip

Murray has also submitted a proposed supplemental tariff^{2/} for charter operations including ambulatory Medicaid clients for clinic appointments and senior citizens. The schedule of rates for this service is on a per-person basis, with a minimum requirement of 5 individuals per trip, as follows:

- a.) One-way (inside the Capital Beltway) \$3.00
- b.) Round-trip (inside the Capital Beltway) \$5.00

Applicant plans to purchase a 1979 Dodge Maxi Van and install an electric lift, wheelchair tie-downs and safety equipment if a certificate of public convenience and necessity is issued.

Applicant introduced two reports at the public hearing, the first being a study titled "Transportation For Elderly And Handicapped Persons In The Washington Metropolitan Area" published by the Metropolitan Washington Council of Governments, and the second titled "The Transportation Disadvantaged In The District Of Columbia", prepared by the District of Columbia Department of Transportation. Reciting statistics derived from these reports, Murray asserted that there were approximately 238,000 people in the metropolitan area in 1976 who were elderly and/or transportation disadvantaged. Additionally, the ridership in the DHR Medicaid program has increased from about 1,800 trips a month in 1976, to 2,340 trips a month in 1979, according to applicant.

Murray stated that most elderly persons, though dependent on public transportation, are limited by cost and especially by vehicle construction. The problem is exacerbated by the paucity of supermarkets

^{2/} The supplemental tariff was submitted April 30, 1979, and was received in evidence at the public hearing.

and other retail stores in many areas where the elderly are concentrated. Similarly, the lack of available, economical transportation for institutionalized persons limits their opportunities for home visits and recreation outings, according to applicant. Murray stressed that she proposes an innovative service, and that additional competition in the industry would be beneficial to the transportation users.

In support of the application, a wheelchair patient at Glenn Dale Hospital testified that the only available transportation is occasional use of a (Prince George's County) Department of Recreation vehicle designed to accommodate passengers in wheelchairs. The witness stated that a number of possibilities for outings exist, including the Capital Centre, the Kennedy Center the National Zoo, movie theaters and picnic areas. The lack of adequate transportation, however, limits access to recreational facilities. In addition, many hospital patients are able to take weekend trips home, but are often unable to find transportation for that purpose. One certificated carrier, Ironsides Medical Transportation, Inc.,^{3/} will transport non-ambulatory persons for medical treatments but not for other purposes, according to the witness.

Pursuant to Commission Rule 27-01, on July 3, 1979, applicant petitioned the Commission to reopen the record for the receipt of additional evidence concerning DHR Medicaid transportation. The information contains a summary of medicaid transportation performed during the first five months of 1979, and will be accepted into the record.

The Compact, Title II, Article XII, Section 4(b), provides that a certificate of public convenience and necessity shall be issued by the Commission if it finds ". . . that the applicant is fit, willing and able to perform such transportation properly and to conform to the provisions of this Act and the rules, regulations, and requirements of the Commission thereunder, and that such transportation is or will be required by the public convenience and necessity, otherwise, such application shall be denied."

The Commission finds that applicant has sustained her burden of proof regarding the matter of need for the transportation of transportation-disadvantaged persons, (both ambulatory and non-ambulatory) between points in the Metropolitan District, except for the transportation of participants in the DHR medicaid program. Transportation-disadvantaged persons are those individuals who by reason of age, physical or mental disabilities are unable without special facilities or special planning or design to utilize transportation facilities and services as effectively as persons

^{3/} Ironsides Medical Transportation, Inc., held WMATC Certificate No. 31 authorizing transportation, in special operations, over irregular routes, of handicapped or disabled persons together with their baggage and attendants not including sightseeing or pleasure tours, between points within the Metropolitan District, subject to an equipment restriction.

who are not so affected. Applicant proposes to offer a service attuned to the needs of persons not presently receiving a full range of transportation, especially service not specifically related to medical treatment. None of the carriers operating in the "transportation-disadvantaged" field appeared in opposition to the application. There is apparently either an unwillingness or an inability on the part of existing carriers to meet the needs of those non-Medicaid persons applicant seeks to serve. A new competitive service, especially one offering an innovative service transporting the transportation disadvantaged for weekend outings, and other purposes not strictly medical in nature will be beneficial to the public. Applicant must, however, structure a tariff reflecting the type of service offered, i.e., special operations (see Commission Regulation No. 51-07), not charter operations as is referred to in applicant's "supplemental" tariff.

The Commission is holding in abeyance determination of the application to the extent that Murray seeks to serve DHR. The Commission has scheduled a hearing^{4/} to reconsider previously denied applications for authority to serve DHR pursuant to remand by the United States Court of Appeals for the District of Columbia Circuit. Inasmuch as the remanded proceedings predate Murray's application, they will be given prior consideration.

In accordance with the evidence of record, the grant of authority will be restricted to service to be performed in equipment with a manufacturer's designed seating capacity of fifteen passengers or less, excluding the driver. Each vehicle will be required to have at least two wheelchair tie-downs. Upon purchase and appropriate outfitting of the equipment, applicant shall notify the Commission that the vehicle is ready for inspection.

THEREFORE, IT IS ORDERED:

1. That the petition of applicant to reopen the proceeding for the receipt of additional evidence is hereby granted.

2. That Rosetta D. Murray T/A Murray's Non-Emergency Transport Service is hereby granted authority to perform special operations, over irregular routes, transporting transportation-disadvantaged persons and their attendants between points in the Metropolitan District, restricted against the transportation of participants in the District of Columbia Department of Human Resources Medicaid program, and limited to the

^{4/} See Order No. 2009, served July 10, 1979, as modified by Order No. 2010, served July 18, 1979.

performance of such operations in equipment with a manufacturer's designed seating capacity of fifteen passengers or less, excluding the driver, with each vehicle containing at least two wheelchair tie-downs.

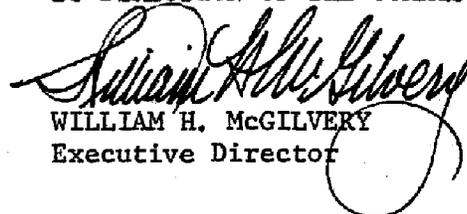
3. That the application, except to the extent granted above, is hereby held in abeyance, pending determination of Application Nos. 974, 980 and 985.

4. That applicant is hereby directed to file with the Commission (a) notice that its equipment is properly outfitted with wheelchair tie-downs and safety equipment and is available for inspection, (b) an affidavit of compliance with Commission Regulation 68 governing identification on motor vehicles, (c) a certificate of insurance as required by Commission Regulation 62 and (d) two copies of its WMATC Tariff No. 1 as required by Commission Regulation 55, such tariff to be effective upon acceptance by the Executive Director.

5. That upon compliance by applicant with the directives set forth in paragraph (4) above and successful inspection of applicant's equipment, an appropriate certificate of public convenience and necessity shall be issued.

6. That in the event applicant fails to comply with the directives set forth above within 45 days, or such further time as may be authorized by the Commission, the grant of authority made herein will be considered void and the application will stand denied in its entirety effective upon expiration of the said compliance time.

BY DIRECTION OF THE COMMISSION:


WILLIAM H. MCGILVERY
Executive Director