

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 2142

IN THE MATTER OF:

Served September 19, 1980

Application of DAVID C. PEARSON )  
T/A E & H TRANSPORTATION COMPANY )  
for a Certificate to Perform )  
Non-Emergency Medical )  
Transportation )

Case No. AP-80-04

By application filed February 1, 1980, as amended, 1/ David C. Pearson trading as E & H Transportation Company (Pearson) seeks a certificate of public convenience and necessity to transport transportation-disadvantaged persons, and their attendants, in special operations, over irregular routes, between points in the Metropolitan District, restricted to the performance of such operations in equipment with a manufacturer's designed seating capacity of 15 passengers or less, with each vehicle containing at least two wheelchair tie-downs. A public hearing on this application was held on August 7, 1980, and Ironsides Medical Transportation Corporation appeared in opposition.

Mr. Pearson holds Certificate of Public Convenience and Necessity No. 53, authorizing special operations transporting persons confined to wheelchairs between medical treatment facilities located in the Metropolitan District, on the one hand, and, on the other, points in the Metropolitan District, restricted to the transportation of participants in the District of Columbia Medicaid program in specially outfitted vans. 2/ In addition, Pearson performs charter operations under contract with the Southeast Neighborhood House transporting passengers from points in the District of Columbia to Southeast

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1/ On May 27, 1980, applicant filed a motion to amend the application. Inasmuch as the amendment broadens the scope of authority sought, applicant was directed to publish and post notice of the amended application.

2/ By Order No. 2114, served May 27, 1980, Pearson was granted authority to provide special operations transportation between Washington, D. C., and the District of Columbia Department of Corrections facility at Lorton, Va. Revision of Certificate No. 53 will be made upon compliance with specified Commission directives.

Neighborhood House, and return, pursuant to Special Certificate of Public Convenience and Necessity No. 1. 3/

Testimony was presented by applicant and three supporting witnesses as well as by protestant's president. Pearson stated that he presently transports approximately 20 persons per day under his certificated authority and one van load of persons a day pursuant to his special certificate service. He intends to purchase four new vans to replace existing equipment, each of which would be equipped with a ramp and wheelchair tie-downs. Applicant described special services he proposes to offer wheelchair-bound passengers and those persons who are not confined to wheelchairs, but, by reason of age or physical condition, are limited in the extent to which they can walk. The witness stated that he had two reasons for filing this application. The first was in response to claimed demand from existing passengers who assertedly had no effective service available for transportation to points throughout the Metropolitan District. The second reason was the ability to expand existing operations and obtain better vehicle utilization, especially during week-ends and off-peak hours.

At the hearing applicant introduced a revised proposed tariff as follows:

FOR PASSENGERS CONFINED TO WHEELCHAIRS:

1. "Admit-Discharge" service; for admittance to or discharge from medical facilities, including nursing homes; service includes assistance through admission or discharge process, pickup of prescriptions, x-rays, etc. \$15.00 + 90¢ per mile
2. "Transfer" service; includes transportation between residence and airport, train station or bus terminal, including assistance with luggage, checking in, etc. \$15.00 + 90¢ per mile
3. "Door-through-Door" assistance service; includes assistance into and out of wheelchairs and transporting rider to ultimate destination, including entering buildings at origin and destination. \$12.00 + 90¢ per mile
4. "Door-to Door" service; includes pickup at door at point of origin and discharge at door at point of destination. \$9.00 + 90¢ per mile

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3/ See Order No. 2004, served June 20, 1979, adopting Commission Regulation No. 70.

5. Multiple Riders \*/ where two or more passengers request service from the same origin to the same destination at the same time, the pickup charge will be \$6.00 per person and 60¢ per mile per passenger.
6. Unusual Service; where two man service is required for "door-through-door" service, or "admit-discharge" service, an additional charge of \$4.00 per passenger will be imposed.
7. Attendants; the rates and charges herein include the transportation of one attendant for each passenger confined to a wheel chair at no additional charge.

FOR AMBULATORY PASSENGERS:

1. "Admit-Discharge" service; for admittance to or discharge from medical facilities, including nursing homes; service includes assistance through admission or discharge process, pickup of prescriptions, x-rays, etc. \$10.00 +  
90¢ per mile
2. "Transfer" service; includes transportation between residence and airport, train station or bus terminal, including assistance with luggage, checking in, etc. \$10.00 +  
90¢ per mile
3. "Door-through-Door" assistance service; includes assistance in transporting rider to ultimate destination, including entering buildings at origin and destination. \$8.00 +  
90¢ per mile
4. "Door-to Door" service; includes pickup at door at point of origin and discharge at door at point of destination. \$6.00 +  
90¢ per mile
5. Multiple Riders \*/ where two or more passengers request service from the same origin to the same destination at the same time, the pickup charge will be \$4.00 per person and 60¢ per mile per passenger.

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\*/ "Multiple Riders" charges only apply to "door-to-door" service.

The charges were determined by estimating expenses and a break-even point, according to the witness. Round-trip service would consist of two one-way fares.

The supporting witnesses generally testified regarding a need for service between points in the District of Columbia, and all expressed satisfaction with the type of service now being offered by Pearson. One witness, who arranges transportation for a wheelchair-bound relative, stated a desire for transportation to social activities, but admitted that she was not familiar with existing carriers capable of serving wheelchair passengers. Another witness expressed a need for transportation for shopping trips to nearby points in the District of Columbia. The third witness is a geriatric day care worker with Southeast Neighborhood House. She explained the difficulty that many elderly persons have in using public transportation and the need for individual attention in a door-to-door type of service when people want to partake in activities available in the District of Columbia or arrange transportation for medical appointments and shopping trips.

The president of protestant Ironsides described how his company operates as a carrier of wheelchair-bound passengers between points in the Metropolitan District pursuant to Certificate of Public Convenience and Necessity No. 31. He stated that service is rendered primarily on a scheduled basis with additional service calls accepted on short notice when possible. <sup>4/</sup> He stated that the company operates at full capacity about 20 percent of the time. An estimated five passengers per weekday would be lost if applicant is granted area-wide authority, according to the witness. He estimated that other than service for participants in the District of Columbia Medicaid program, approximately 10 percent of his remaining operations consist of non-medically related transportation, and about 20 percent of the non-medicaid work is performed on weekends.

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 the 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 his burden of proof regarding the matter of need for the transportation of transportation-disadvantaged persons (both ambulatory and non-ambulatory), between points in the District of Columbia. 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

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<sup>4/</sup> The protest is limited to the extent that applicant seeks to serve passengers confined to wheelchairs.

transportation facilities and services as effectively as persons who are not so affected. 5/

The evidence adduced at the public hearing addressed a need for service between points in Washington, D. C., only, and does not warrant issuance of authority for service to points in Maryland or Virginia. In addition, the evidence presented by protestant Ironsides, at least as concerns wheelchair passengers, militates against a grant of area-wide authority because of the potential loss of traffic. However the fact that protestant does operate at full capacity about 20 percent of the time, indicates a need for supplementary service available in the District of Columbia. The witnesses appearing in support of applicant limited their testimony to intra-District-of-Columbia transportation and admitted to a lack of familiarity with Ironsides or other carriers offering service similar to that of applicant.

The Commission believes that the grant of authority will enhance Pearson's economic viability and will enable him to make fuller use of his equipment. Applicant will be directed to file an appropriate tariff reflecting the charges in the revised proposed tariff introduced at the public hearing. The grant of authority will be restricted to the performance of transportation in vehicles with a manufacturer's designed seating capacity of 15 passengers or less, equipped with at least two wheelchair tie-downs, in conformance with the evidence of record.

**THEREFORE, IT IS ORDERED:**

1. That David C. Pearson trading as E & H Transportation Company is hereby granted authority to engage in special operations, over irregular routes, transporting transportation-disadvantaged persons and their attendants between points in the District of Columbia, restricted to the performance of such operations in vehicles with a manufacturer's designed seating capacity of fifteen passengers or less, including the driver, with each vehicle containing at least two wheelchair tie-downs.
2. That the application of David C. Pearson trading as E & H Transportation Company in Case No. AP-80-04, except to the extent granted above, is hereby denied.
3. That applicant is hereby directed to file with the Commission two copies of an appropriate WMATC tariff in accordance with the authority granted herein, within 30 days from the date of service hereof, such tariff to be effective upon acceptance by the Executive Director.
4. That upon timely compliance with the requirement of paragraph 3, an appropriately revised Certificate of Public Convenience

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5/ See Order No. 2015, served August 7, 1979.

and Necessity No. 53 shall be reissued to David C. Pearson trading as E & H Transportation Company.

5. That in the event applicant fails to comply with the directive set forth above within the said 30 days, or such additional 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, COMMISSIONERS SCHIFTER AND SHANNON:



WILLIAM H. MCGILVERY  
Executive Director