

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 2486

IN THE MATTER OF:

Served October 13, 1983

Application of JAMES C. KNIGHT for)
a Certificate of Public Convenience))
and Necessity to Engage in Special)
Operations)

Case No. AP-83-04

By application filed February 4, 1983, and supplemented February 25, 1983, James C. Knight seeks a certificate of public convenience and necessity to transport handicapped persons, in special operations, between points in the Metropolitan District. Pursuant to Order Nos. 2401, 2411 and 2432, served March 1, May 2, and June 8, 1983, respectively, and incorporated by reference herein, a public hearing on this application was held on July 27, 1983. ^{1/} Protestants Mobile Care, Ltd., and Rosetta Murray trading as Murray's Non-Emergency Transport Service appeared at the hearing and presented evidence in opposition to the application.

James C. Knight, applicant herein, testified that he is experienced in the transportation field, having worked for the Washington Metropolitan Area Transit Authority (Metro) as a bus operator and now operating his own taxicab in the District of Columbia. He recounted his experiences as both a bus and taxicab driver in assisting handicapped persons seeking transportation, and estimated that he transports two or three handicapped persons a week in his cab. Applicant has arranged for the purchase of a new van equipped with a ramp and tie-downs if his application is successful. He would perform routine maintenance himself.

^{1/} Hearing was originally set for April 19, 1983. Applicant and protestants appeared, but applicant requested a continuance to obtain representation by counsel. The hearing was rescheduled for May 4, 1983, because counsel was not prepared to proceed. Finally, the parties agreed to hold the hearing July 27 inasmuch as applicant's principal witness was unable to appear on June 8.

Applicant proposes to offer service seven days a week from 8:00 a.m. to 9:00 p.m. and have a two-way communication system installed in his vehicle. In addition to regular daytime service, Mr. Knight would provide weekend and evening service inasmuch as he believes that there is insufficient service (particularly for nursing homes) now available at those times. Mr. Knight would charge \$35 for any round-trip service between points in the Metropolitan District including doctors appointments, sightseeing and transfer service. Revenue and expense estimates were proposed on the basis of three passengers a day during the first year of operations.

Two witnesses appeared to testify in support of the application. The first witness, an accountant and director of Family Budget Association of America, stated that the association is a non-profit organization committed to helping the needy, the under-privileged and the handicapped. Primarily, the organization provides consulting services for the elderly and handicapped as well as providing job and recreation opportunities. The witness has known applicant in excess of 15 years and states that applicant has provided volunteer service transporting handicapped persons to the association's principal office in Temple Hills, Md. 2/ In the past, volunteer service has been the main source of transportation available to FBAA. Funds for transportation have been budgeted recently, but are primarily dedicated to pay for service to and from a point outside the Metropolitan District. The witness stated that, if Mr. Knight had appropriate WMATC authority, he would give Mr. Knight a commitment for service. No other carriers have been contacted regarding FBAA's transportation needs. Funds for service would be raised through donations and available grants, and service needs would include transportation to the organization's office and attached seminar room and to the "local" library from the Temple Hills, Md., area and northeast and southeast Washington, D. C. To the extent that new projects may be funded, the witness testified that if Mr. Knight does not receive WMATC certification, he would be willing to call certificated carriers or ". . . to go ahead and apply for our own license. . . ." 3/

The other witness, an employee of the Library of Congress who lives on Columbia Road in Northwest Washington, D. C., stated that he has been confined to a wheelchair for a number of years and has experienced trouble in obtaining satisfactory service to travel from

2/ The described service involved transportation for one person between points in Temple Hills, Md.

3/ Transcript, p. 60.

home to work and return. In the mid-1970's he used transportation provided by the Department of Human Resources which is no longer available. Subsequently he has relied primarily on taxicab service. He uses Mr. Knight's taxicab service about four or five times a month and is pleased with the cleanliness of the vehicle and the good service, something that is not always the case with other taxicabs. The witness stated that he uses taxicabs for most of his transportation service such as to medical appointments and recreational activities. The witness was not familiar with other transportation carriers providing service to handicapped persons.

Both protesting carriers testified at the public hearing. Rosetta Murray stated that there are 43 organizations in the local area providing transportation service available for handicapped persons, including private non-profit groups, educational institutions, public agencies and private for-profit companies regulated by this Commission. She further stated that her company was operating at less than 70 percent capacity.

A representative of Mobile Care, Ltd., testified that the company provides service on an on-call basis and is available to provide service 24 hours a day with advance notice, although the office is only open during regular daytime business hours. He stated that the company is operating below capacity and that, in the first six months of 1983 business revenue was approximately 15 to 18 percent lower than in the first half of 1982.

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 failed to sustain its burden of proof regarding the matter of need for service. For this reason, no discussion of fitness is necessary. With regard to the matter of need for service, no public support was elicited sufficient to justify the licensing of a new transportation carrier to service handicapped individuals. Neither witness had attempted to use the services of existing carriers, nor was either person apparently aware of the existence of other carriers. The witness seeking commuter transportation to the Library of Congress explained that he had sometimes been refused taxicab service. Although he stated a willingness to pay the proposed \$35 round-trip charge, he could not comment about why service offered by existing carriers would not be satisfactory.

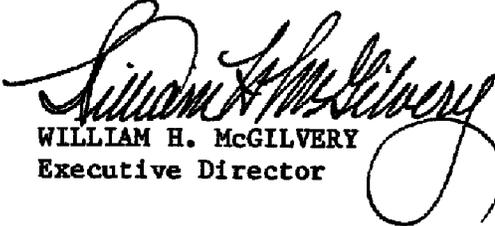
The other witness generally described future transportation needs but did not indicate that future local service needs would not be met by volunteers as in the past, except for one reference to service outside the scope of this application. In addition, he indicated that if applicant is denied authority, to the extent new projects arise, he would contact certificated carriers or apply for certification directly.

Protestants briefly described their available service and stated that they are operating well below their overall capacities.

On this record, we find that the little need for service shown to exist can be adequately met by protestants.

THEREFORE, IT IS ORDERED that the application of James C. Knight in Case No. AP-83-04 is hereby denied.

BY DIRECTION OF THE COMMISSION, COMMISSIONERS WORTHY, SCHIFTER AND SHANNON:


WILLIAM H. MCGILVERY
Executive Director