

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D.C.

ORDER NO. 3066

IN THE MATTER OF:

Served September 11, 1987

Application of DAMON GARY trading)
as DAMON'S TRANSPORTATION SERVICE)
to transfer Certificate No. 60 to)
DAMON'S TRANSPORTATION COMPANY,)
INC.)

Case No. AP-87-23

Application of DAMON GARY trading)
as DAMON'S TRANSPORTATION SERVICE)
to Amend Certificate No. 60 to)
Include Special Operations for)
Transportation-Disadvantaged)
Persons)

Case No. AP-87-24

By application filed August 31, 1987, Damon Gary trading as Damon's Transportation Service ("Mr. Gary" or "applicant") seeks approval to transfer his Certificate of Public Convenience and Necessity No. 60 to Damon's Transportation Company, Inc. ("Damon's Inc.").

Certificate No. 60 authorizes the following transportation:

IRREGULAR ROUTES:

SPECIAL OPERATIONS, round-trip or one-way, 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.

RESTRICTIONS: The service authorized herein is restricted to the transportation of non-ambulatory participants in the Medicaid program of the District of Columbia, and is further restricted to transportation in van-type vehicles specially equipped with ramps and mechanical devices for securing wheelchairs in transit.

Damon's Inc. is a District of Columbia corporation. Mr. Damon T. Gary is the sole shareholder and president of the corporation. The application requires a balance sheet of transferee Damon's Inc. but

contains a balance sheet of Mr. Gary. We will direct the required filing.

This transfer application is governed by the Compact, Title II, Article XII, Section 4(h), which provides that:

No certificate under this section may be transferred unless such transfer is approved by the Commission as being consistent with the public interest.

By separate application filed August 31, 1987, Mr. Gary seeks to amend Certificate No. 60 to include special operations, transporting "transportation-disadvantaged persons" */ between points in the Metropolitan District, restricted to vehicles having a manufacturer's designed seating capacity of 15 persons or less, including the driver, and restricted against transportation solely within the Commonwealth of Virginia. This authority, if granted, would encompass and subsume the authority now in Certificate No. 60, except the requirement for "vehicles specially equipped with ramps and mechanical devices for securing wheelchairs in transit." In the event this application is granted, it is anticipated that this requirement would be retained, with the addition of the words "wheelchair lifts or" before the word "ramps." Applicant is specifically notified of the matter covered in this paragraph so that he may notify the Commission in writing within 10 days of the date of this order if these terms do not comport with the intent of the application.

Applicant submitted a proposed tariff showing the following rates:

One-Way Trip:

Inside Beltway	\$25
To Points Outside the Beltway	\$25 plus \$1.50 per mile beyond the Beltway

Round-Trip:

Between Points Inside Beltway	\$50
Where One or Both Points Outside Beltway	\$50 plus \$1.50 per mile beyond the Beltway

*/ "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 who are not so affected." Order No. 2015, served August 7, 1979, at pp. 3-4.

Cancellation Charge	\$15
Additional Manpower (When Required)	\$10
Waiting Time (When Requested by Client)	\$20 per hour (\$5 per quarter-hour)

It is inferred (because the application does not specify) that Mr. Gary intends to maintain the schedule of rates in his existing tariff applicable to the services he provides for the Medicaid program of the District of Columbia. These rates are as follows:

- a. One-way trip within the Capital Beltway
(Route 495)-----\$15.00
Cancellation Charge----\$ 7.50
- b. One-way trip outside the Capital Beltway
(Route 495)-----\$15.00 + \$.75 per loaded mile
- c. Round-trip within the Capital Beltway
(Route 495)-----\$25.00
Cancellation Charge----\$12.50
- d. Round-trip outside the Capital Beltway
(Route 495)-----\$25.00 + \$.75 per loaded mile
- e. Unusual circumstances requiring additional manpower
\$5.00 additional per trip

Again, if this interpretation does not comport with applicant's intent, the Commission should be notified, in writing, within 10 days of the date of this order.

Applicant has submitted an equipment list showing one 1976, one 1977, and two 1985 vans, each equipped to seat between 6 and 8 passengers. In addition, applicant has submitted an operating statement for the year ended December 31, 1986, and a balance sheet as of December 1, 1986.

This application for an amended certificate is governed by the Compact, Title II, Article XII, Section 4(b). Case Nos. AP-87-23 and AP-87-24 will be consolidated for public hearing. Applicant will be directed to post and publish notice of these applications and hearing, and will be assessed an amount preliminarily estimated to cover expenses to be borne by applicant pursuant to the Compact, Title II, Article XII, Section 19.

THEREFORE, IT IS ORDERED:

1. That Case Nos. AP-87-23 and AP-87-24 are hereby scheduled for public hearing to commence on Tuesday, October 20, 1987, at 9:30 a.m. in the hearing room of the Commission, Room 314, 1625 I Street, N.W., Washington, D.C. 20006.

2. That applicant is hereby directed to publish once, in a newspaper of general circulation in the Metropolitan District, notice of this application and hearing, in the form prescribed by the staff of the Commission no later than Friday, September 25, 1987.

3. That applicant is hereby directed to post in each of its vehicles, continuously and conspicuously through the date of public hearing, notice of this application and hearing, in the form prescribed by the staff of the Commission, no later than Friday, September 25, 1987.

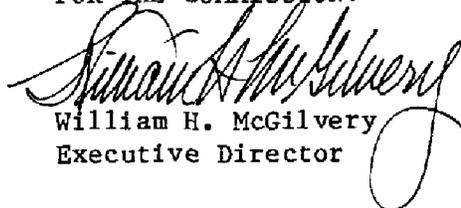
4. That applicant is hereby directed to file with the Commission affidavits attesting such publication and posting no later than the date of public hearing.

5. That any person desiring to protest these applications shall file a protest in accordance with Commission Rule No. 14, or any person desiring to be heard on these applications shall so notify the Commission, in writing, no later than Friday, October 9, 1987, and shall simultaneously serve a copy of said protest or notice on counsel for applicant, Joel C. Weingarten, Esquire, 7910 Woodmont Avenue, #914, Bethesda, Md. 20814.

6. That applicant is hereby directed to file with the Commission, no later than Friday, October 9, 1987, an original and four copies of a balance sheet for transferee in Case No. AP-87-23.

7. That applicant is hereby assessed \$350 pursuant to the Compact, Title II, Article XII, Section 19, and is directed to deliver said amount to the office of the Commission, Suite 316, 1625 I Street, N.W., Washington, D.C. 20006, no later than Friday, October 9, 1987.

FOR THE COMMISSION:


William H. McGilvery
Executive Director