

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 3468

IN THE MATTER OF:

Served March 13, 1990

Application of DIAMOND)
TRANSPORTATION SERVICES, INC., for)
a Certificate of Public Convenience)
and Necessity -- Special Operations)

Case No. AP-90-07

By application filed February 15, 1990, Diamond Transportation Services, Inc. (DTS or applicant), seeks a certificate of public convenience and necessity to transport passengers, together with baggage in the same vehicles as passengers, in special operations between points in that part of the Commonwealth of Virginia located in the Metropolitan District, on the one hand, and, on the other, points in the Metropolitan District, restricted to transportation of transportation-disadvantaged persons and their attendants and further restricted to transportation of passengers in vehicles with a manufacturer's designed seating capacity of 15 persons or less (including the driver) and modified to accommodate one or more wheelchairs. 1/2/

1/ DTS's application specifically requests:

. . . a Certificate of Public Convenience and Necessity to operate motor vehicles for the transportation of passengers over irregular routes in special operations as follows: Service upon demand as a carrier of handicapped, mobility-impaired or physically challenged (i.e. transportation-disadvantaged) passengers and their attendants, together with baggage in the same vehicles as passengers, interstate in the WMATC jurisdictional area. Service will be restricted to transportation in vehicles with a manufacturer's designed seating capacity of fifteen (15) persons or less, including the driver, and modified to accommodate one or more wheelchairs. Service will thus be limited to individuals and groups whereby the total number of vehicle occupants will be fifteen (15) or less.

If the authority described in the first paragraph of this order does not comport with the authority sought by DTS, applicant is hereby directed so to inform the Commission, in writing, no later than 15 days from the service date of this order.

2/ To the extent this application could be interpreted to include transportation solely within the Commonwealth of Virginia it is hereby dismissed pursuant to the Compact, Title II, Article XII, Section 1(b).

DTS would conduct the proposed service using six vehicles: a bus modified to seat three wheelchairs and 13 ambulatory passengers (or equivalent luggage); maxivans modified to carry two wheelchairs (one vehicle) or three wheelchairs (two vehicles) plus additional ambulatory passengers and luggage; and smaller vans modified to carry one wheelchair (one vehicle) or two wheelchairs (two vehicles) plus additional passengers and luggage. The proposed service would be available seven days a week, 24 hours a day. Applicant proposes one-way rates based on a zone system and ranging from \$27.50 to \$55 a person.

Applicant currently transports passengers solely within the Commonwealth of Virginia in the manner proposed in this application. If this application is granted, DTS projects an increase in revenue of between 10 and 20 percent over current revenues without the need to increase significantly fixed assets, and, therefore, certain fixed expenses. For the first 12 months of operations DTS projects WMATC income of \$49,000 plus other operating income of \$490,000. Operating expenses, including depreciation and taxes, for the same period are projected at \$518,500, ten percent of which would be allocable to WMATC operations, resulting in net operating income of \$20,500 or an operating ratio of 96.20.

With its application DTS filed a statement of financial condition as of December 31, 1988, and an operating statement for the 12 months ending December 31, 1988. Applicant will be directed to file more current financial information.

Pursuant to Title II, Article XII, Section 4(b) of the Compact, the application will be scheduled for public hearing to determine if applicant is fit, willing, and able to perform the proposed service properly and to comply with the Compact and the Commission's rules and regulations, and to determine whether the public convenience and necessity require the proposed service. Applicant will be assessed an amount preliminarily estimated to cover the costs of the hearing pursuant to the Compact, Title II, Article XII, Section 19.

THEREFORE, IT IS ORDERED:

1. That a public hearing in Case No. AP-90-07 is hereby scheduled to commence on Thursday, April 19, 1990, at 9:30 a.m. in the Hearing Room of the Commission, 1828 L Street, N.W., Suite 703, Washington, DC 20036-5104.

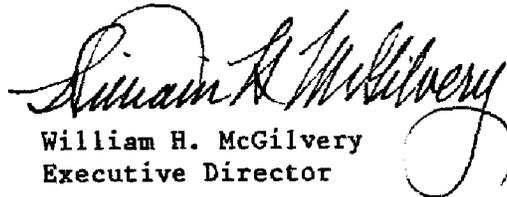
2. That Diamond Transportation Services, Inc., shall publish once in a newspaper of general circulation in the Metropolitan District and post in each of its vehicles through the date of public hearing, notice of this application and the hearing thereon in the form prescribed by the staff of the Commission, no later than Thursday, March 22, 1990, and shall present at the hearing affidavits of such publication and posting.

3. That any person desiring to protest this application shall file a protest in accordance with Commission Rule No. 14 or any person wanting to be heard on this matter shall so notify the Commission, in writing, no later than Thursday, April 5, 1990, and simultaneously serve a copy of such protest or notice on applicant's attorney, Michael W. Beasley, Esquire, 1431 Wolftrap Road Run, Vienna, VA 22182.

4. That Diamond Transportation Services, Inc., is hereby assessed \$400 pursuant to the Compact, Title II, Article XII, Section 19 and is directed to deliver that amount to the office of the Commission no later than Thursday, April 5, 1990.

5. That Diamond Transportation Services, Inc., is hereby directed to file with the Commission, no later than Thursday, April 5, 1990, a statement of financial condition and a 12-month operating statement, neither of which is more than six months old, and a projected operating statement for the first 12 months of WMATC operations.

FOR THE COMMISSION:


William H. McGilvery
Executive Director

