

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 3546

IN THE MATTER OF:

Served August 28, 1990

Application of DIAMOND )  
TRANSPORTATION SERVICES, INC., for )  
Temporary Authority to Transport )  
Passengers for the Account of )  
Arlington County, VA )

Case No. AP-90-35

By application filed August 22, 1990, Diamond Transportation Services, Inc. (DTS or applicant), seeks temporary authority to transport transportation-disadvantaged passengers, together with baggage in the same vehicles as passengers, from points in Arlington County, VA, to points in the District of Columbia and Montgomery and Prince George's Counties, MD, and return, restricted to the account of Arlington County, VA. \*/

With its application DTS submitted a map of the area to be served. The map shows the District of Columbia, portions of Northern Virginia including Arlington County, and portions of Montgomery and Prince George's Counties, MD. The proposed service would be conducted using one leased minivan having a manufacturer's designed seating capacity of seven persons or less. Applicant proposes to transport passengers "[o]nce in the morning from points in Arlington County, Virginia, to points in the Metropolitan District outside of the Commonwealth of Virginia, and once in the afternoon hours returning from points in the Metropolitan District outside of the Commonwealth of Virginia, returning to points in the County of Arlington, Virginia." The rate proposed for ". . . transportation to Hecht Company on New York Ave. in Washington, DC." is \$6 per person per round-trip.

DTS holds WMATC Certificate No. 122, issued August 3, 1990. Pursuant to DTS's application as amended at hearing, WMATC Certificate No. 122 authorizes transportation of passengers, together with their baggage, 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 nonambulatory passengers and their companions in appropriately-equipped vehicles.

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\*/ DTS asks that temporary authority extend for one year. However, the Compact, Title II, Article XII, Section 4(d)(3) restricts grants of temporary authority to a maximum period of 180 days.

With its application DTS submitted a statement of financial condition as of December 31, 1989. The statement shows current assets of \$113,994; fixed assets after allowance for depreciation of \$38,713; and other assets of \$2,009. The statement also shows current liabilities of \$67,800; long-term liabilities of \$41,141; and equity of \$45,775. With its application DTS also submitted an operating statement for the 12 months ended December 31, 1989. The statement shows non-WMATC operating income for that period of \$564,230 and concomitant expenses, including depreciation expense and taxes, of \$558,163. DTS projects monthly revenues of \$1,700 from the proposed service and monthly revenue deductions from the same service of \$850.

The Compact, Title II, Article XII, Section 4(d)(3) provides as follows:

To enable the provision of service for which there is an immediate and urgent need to a point or points or within a territory having no carrier service capable of meeting such need, the Commission may, in its discretion and without hearings or other proceedings, grant temporary authority for such service. Such temporary authority unless suspended or revoked for good cause, shall be valid for such time as the Commission shall specify, but for not more than an aggregate of 180 days and create no presumption that corresponding permanent authority will be granted thereafter.

This order will provide notice of DTS's application, and a brief period will be established for the filing of protests, if any. Each protest should contain or be accompanied by all evidence and argument upon which protestant would rely. No extension of time will be granted. The application is available for inspection at the office of the Commission during regular business hours.

THEREFORE, IT IS ORDERED that any person desiring to protest this application shall file a notarized protest in conformance with Commission Rule No. 14, together with all evidence and legal argument in support of the protest, at the office of the Commission, 1828 L Street, N.W., Suite 703, Washington, DC 20036-5104, no later than Friday, September 7, 1990, and simultaneously shall serve a copy of such protest on applicant's counsel, Michael W. Beasley, Esquire, 1431 Wolftrap Run Road, Vienna, VA 22182.

FOR THE COMMISSION:

  
William H. McGilvery  
Executive Director