

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 3577

IN THE MATTER OF:

Served October 16, 1990

Application of HENRY L. EPPS, JR., )  
for an Expanded Certificate of )  
Public Convenience and Necessity )  
No. 51 -- Special Operations )

Case No. AP-90-38

Application of HENRY L. EPPS, JR., )  
to Transfer Certificate of Public )  
Convenience and Necessity No. 51 to )  
EPPS TRANSPORTATION COMPANY, INC. )

Case No. AP-90-39

By application tendered for filing September 6, 1990, and completed October 16, 1990, Henry L. Epps, Jr. (Mr. Epps or applicant), seeks an expanded Certificate of Public Convenience and Necessity No. 51 to transport transportation-disadvantaged 1/ persons between points in the Metropolitan District, restricted against transportation solely within the Commonwealth of Virginia. 2/

Mr. Epps proposes the following rates for the service:

One-Way Trip

Inside Beltway	25.00
* Cancellation Charge	10.00
To Points Outside Beltway	25.00 plus 75¢ per Loaded Mile

Round Trip

Within Beltway	40.00
* Cancellation Charge	12.50
Outside Beltway	40.00 plus 75¢ per Loaded Mile
** Additional Manpower	5.00 Each Way

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1/ "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 and 4.

2/ See Compact, Title II, Article XII, Section 1(b).



- \* To be charged when the requested service is not cancelled at least two hours prior to scheduled pick-up.
- \*\* To be charged when an additional person is required to assist driver in moving non-ambulatory passengers up and down steps, or otherwise assist when driver is unable to move passengers alone.

Applicant proposes using two 15-passenger vehicles to provide the service. It is noted that these are the same two vehicles listed on applicant's insurance certificate to be used to provide service authorized by Mr. Epps' current Certificate No. 51, as follows:

IRREGULAR ROUTES:

SPECIAL OPERATIONS, transporting persons confined to wheelchairs:

Between medical treatment facilities located inside the Capital Beltway, on the one hand, and, on the other, points inside the Capital Beltway.

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, and is further restricted against transportation solely within the Commonwealth of Virginia.

By application filed September 6, 1990, in Case No. AP-90-39, Mr. Epps seeks authority to transfer Certificate No. 51 to Epps Transportation Company, Inc. (Epps, Inc.), a Maryland close corporation whose officers and equal shareholders are Henry L. Epps, Jr., and Bessie L. Epps. Epps, Inc., filed a balance sheet showing assets of \$1,000 cash representing capital stock of the same amount. The balance sheet notes that, "Mr. Epps has not transferred any assets to the corporation nor has he funded the corporation pending approval of this application."

Pursuant to the Compact, Title II, Article XII, Section 4(b), Case No. AP-90-38 will be scheduled for public hearing to determine if applicant is fit, willing, and able to perform the proposed service properly and comply with the Compact and the Commission's rules and regulations and to determine whether the public convenience and necessity require the proposed service. In Case No. AP-90-39, the standard for approval of a transfer pursuant to the Compact, Title II, Article XII, Section 4(h) is consistency with the public interest, which concept, among other things, would include -- in these circumstances -- not only the fitness of Epps, Inc., to receive a transfer of existing Certificate No. 51, but also the expanded Certificate No. 51 that could result from Case No. AP-90-38.

Accordingly, these two applications will be consolidated for public hearing. Applicant will be assessed an amount preliminarily estimated to cover the costs of hearing pursuant to the Compact, Title II, Article XII, Section 19. In addition, Mr. Epps and Epps, Inc., will be directed to file jointly a detailed proposed balance sheet of Epps, Inc., specifying those assets proposed to be transferred to the corporation.

THEREFORE, IT IS ORDERED:

1. That a public hearing in Case Nos. AP-90-38 and AP-90-39 is hereby scheduled to commence Thursday, November 29, 1990, at 10:00 a.m. in the Hearing Room of the Commission, 1828 L Street, N.W., Suite 703, Washington, DC 20036-5104.

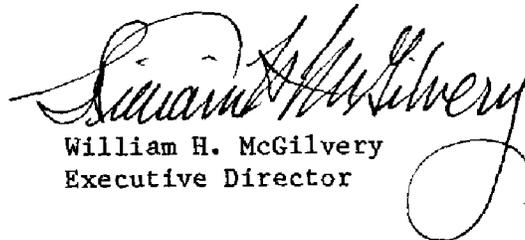
2. That Henry L. Epps, Jr., shall publish once in a newspaper of general circulation in the Metropolitan District, and shall post continuously and conspicuously in each of his revenue vehicles through the date of public hearing, notice of these applications and the hearing thereon in the form prescribed by the staff of the Commission, no later than Friday, October 26, 1990, and shall present at hearing affidavits of such publication and posting.

3. That any person wanting to protest either of these applications shall do so in accordance with Commission Rule No. 14, and any person wanting to be heard on either of these matters shall so notify the Commission, in writing, no later than Monday, November 19, 1990, and shall simultaneously serve a copy of such protest(s) or notice(s) on applicant's attorney, Joel C. Weingarten, Esquire, 51 Monroe Street, Suite 1500, Rockville, MD 20850.

4. That Henry L. Epps, Jr., 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, 1828 L Street, N.W., Suite 703, Washington, DC 20036-5104, no later than Monday, November 19, 1990.

5. That Henry L. Epps, Jr., and Epps Transportation Company, Inc., are hereby directed jointly to file with the Commission, no later than Monday, November 19, 1990, an original and four copies of a proposed balance sheet of Epps Transportation Company, Inc., as discussed in the text of this order.

FOR THE COMMISSION:

  
William H. McGilvery  
Executive Director