

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 3786

IN THE MATTER OF:

Served July 2, 1991

Application of LANCASTER)
ENTERPRISES, INC., Trading as)
DIAL-OF-WHEELS SHUTTLE for a)
Certificate of Authority --)
Irregular Route Operations)

Case No. AP-91-17

By application filed May 9, 1991, and supplemented May 10, 1991, Lancaster Enterprises, Inc., trading as Dial-of-Wheels Shuttle (Lancaster or applicant), a District of Columbia corporation, seeks a Certificate of Authority to transport passengers in irregular route operations between points in the Metropolitan District, restricted to transportation in vehicles with a manufacturer's designed seating capacity of 15 persons or fewer, including the driver.

By Order No. 3757, served May 14, 1991, notice of this application was given, and applicant was directed to publish further notice in a newspaper no later than May 24, 1991. Order No. 3757 directed applicant to file an affidavit of publication no later than June 24, 1991. Applicant complied with these directions, and no protests or comments have been filed in this case. No person has requested a hearing on this matter. Therefore, the matter is now ripe for decision.

SUMMARY OF EVIDENCE

Applicant proposes to initiate service using one 15-passenger van to transport passengers on a per-capita fare basis between the District of Columbia, on the one hand, and, on the other, Arlington County, VA; Fairfax County, VA; Alexandria, VA; and Prince George's County, MD.

Vehicles would be checked before each trip. A preventive maintenance worksheet would be prepared monthly. The driver training program would consist of a written test, on-the-road driver evaluation, and physical examination. Driver qualifications include chauffeur's license, clear driving record for the past 24 months, and two years experience.

Lancaster has not been assigned a safety rating by the United States Department of Transportation (USDOT). However, applicant's president certifies on Lancaster's behalf that it has access to, and is familiar with, all USDOT regulations relating to safe transportation of passengers for hire and will comply with those regulations. Applicant's president further certifies that Lancaster has access to

and is familiar with the Compact and the Commission's rules and regulations, that it will comply with them, and that there are no proceedings, either completed or pending, in which applicant has been found unfit or in which its fitness is under investigation.

Lancaster filed a balance sheet as of January 31, 1991, showing current assets of \$77,000 and fixed assets, after depreciation, of \$8,800, for total assets of \$85,800. The balance sheet shows no liabilities. Applicant's projected operating statement for the first 12 months of operations estimates \$172,731 in WMATC operating income and \$30,000 in other income. Applicant projects \$3,627 in net income after all expenses, including depreciation.

The proposed tariff filed with the application shows a one-way fare of \$5 between points in the District of Columbia; a one-way fare of \$8 between the District of Columbia and points inside the Capital Beltway; and a one-way fare of \$12 between the District of Columbia and points outside the Capital Beltway.

The application states that Lancaster will provide door-to-door, demand responsive transportation to places of employment, doctor appointments, hospitals, shopping sites, and other locations.

DISCUSSION AND CONCLUSIONS

This case is governed by the Compact, Title II, Article XI, Section 7(a), which provides in relevant part:

. . . the Commission shall issue a certificate to any qualified applicant . . . if it finds that-

(i) the applicant is fit, willing, and able to perform that transportation properly, conform to the provisions of this Act, and conform to the rules, regulations, and requirements of the Commission; and

(ii) that the transportation is consistent with the public interest.

Based on the record in this case the Commission finds applicant to be fit operationally, financially, and as to compliance. The Commission further finds that the proposed transportation is consistent with the public interest. Consequently, Lancaster's application will be granted.

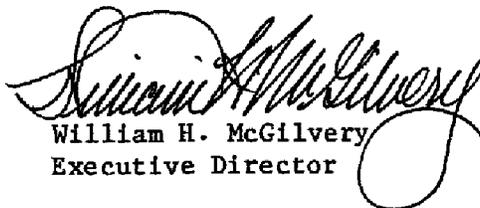
THEREFORE, IT IS ORDERED:

1. That Lancaster Enterprises, Inc., trading as Dial-of-Wheels Shuttle is hereby conditionally granted, contingent upon timely compliance with the requirements of this order, authority to transport passengers in irregular route operations between points in the Metropolitan District, restricted to transportation of passengers in vehicles with a manufacturer's designed seating capacity of 15 persons or fewer, including the driver.

2. That Lancaster Enterprises, Inc., trading as Dial-of-Wheels Shuttle is hereby directed, within 30 days of the date of this order or such additional time as the Commission may direct or allow, to file (a) evidence of insurance pursuant to Commission Regulation No. 58 and Order No. 3623; (b) five copies of its tariff(s) in accordance with Regulation No. 55; (c) an equipment list stating the make, model, serial number, vehicle number, license plate number (with jurisdiction) and seating capacity of each vehicle to be used in revenue operations; (d) evidence of ownership or a lease as required by Commission Regulation No. 62 for each vehicle to be used in revenue operations; (e) its official business address as discussed Regulation No. 68; and (f) an affidavit of identification of vehicles pursuant to Commission Regulation No. 61, for which purpose WMATC No. 155 is hereby assigned.

3. That upon timely compliance with the requirements of the preceding paragraph and acceptance of the materials required by the Commission, Certificate of Authority No. 155 shall be issued to Lancaster Enterprises, Inc., trading as Dial-of-Wheels Shuttle in the form and as worded in the Appendix to this order.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS SCHIFTER AND SHANNON:


William H. McGilvery
Executive Director

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

CERTIFICATE OF AUTHORITY

NO. 155

Lancaster Enterprises, Inc.
Trading as
Dial-Of-Wheels Shuttle

By Order No. 3786 of the Washington Metropolitan Area Transit Commission issued July 2, 1991;

WHEREAS, the above-named carrier is entitled to receive authority to transport passengers within the Washington Metropolitan Area Transit District;

THIS CERTIFICATE OF AUTHORITY is hereby issued to the said carrier as evidence of the authority to engage in the for-hire transportation of passengers by motor vehicle; subject, however, to such terms, conditions, and limitations as are now, or may hereafter be, attached to the exercise of the privilege granted to the said carrier:

IRREGULAR ROUTES, transporting passengers between points in the Washington Metropolitan Area Transit District;

RESTRICTED TO (1) operations conducted according to the said carrier's applicable tariff on file with the Commission and (2) transportation in vehicles with a manufacturer's designed seating capacity of 15 or fewer persons, including the driver; and

RESTRICTED AGAINST (1) transportation solely within the Commonwealth of Virginia and (2) any passenger transportation for hire on an individual fare paying basis in competition with any existing, scheduled, regular-route, passenger transportation service performed by, or under a contract with, the Federal Government, a signatory to the Compact, a political subdivision of a signatory, or the Washington Metropolitan Area Transit Authority.

THIS CERTIFICATE OF AUTHORITY DOES NOT AUTHORIZE ANY TRANSPORTATION BY ANY PERSON OTHER THAN THE CARRIER NAMED HEREON.

THIS CERTIFICATE OF AUTHORITY IS NOT VALID UNLESS THE CARRIER NAMED HEREON IS IN COMPLIANCE WITH THE INSURANCE REQUIREMENTS OF THE COMMISSION.

CERTIFICATE OF AUTHORITY NO. 155
Lancaster Enterprises, Inc.,
Trading as Dial-of-Wheels Shuttle
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IT IS A FURTHER CONDITION of this certificate of authority that the carrier named hereon shall (a) provide safe and adequate transportation service, equipment, and facilities; and (b) observe and enforce Commission Regulations.