

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 3807

IN THE MATTER OF:

Served August 15, 1991

Application of NATIONAL CHILDREN'S)
CENTER, INC., for a Certificate of)
Authority -- Irregular Route)
Operations)

Case No. AP-91-01

By application filed December 11, 1990, supplemented April 19, 1991, and May 16, 1991, National Children's Center, Inc. (NCC 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.

By Order No. 3775, served June 12, 1991, notice of this application was given, and applicant was directed to publish further notice in a newspaper and post notice in its vehicles no later than June 21, 1991. Order No. 3775 directed applicant to file affidavits of publication and posting, no later than July 22, 1991. Applicant complied with these directions, and no protests or comments have been filed in this case. No person has requested an oral hearing. The application is now ready for decision.

SUMMARY OF EVIDENCE

Applicant would initiate service by carrying transportation-disadvantaged persons¹ for the account of the Medicaid program of the District of Columbia's Department of Human Services. Twenty primary vehicles plus 4 reserve vehicles would be available for service. The vehicles range in seating capacity from 8 to 44 passengers. Seven of the vehicles are capable of accommodating wheelchairs.

NCC's facilities consist of two staffed office trailers, a parking lot large enough to accommodate all of NCC's vehicles, and limited facilities to provide minor vehicle service and repairs. NCC's transportation department monitors the daily use of its vehicles and is responsible for scheduling and maintenance. Arrangements have been made with outside shops for maintenance and repairs.

NCC's drivers are responsible for checking their vehicles daily. All drivers must be appropriately licensed, have good driving records, and at least one year bus driving experience. Driver must

¹Transportation-disadvantaged persons are those individuals who by reason of age, physical or mental disabilities are unable without special facilities or planning or design to utilize transportation facilities and services as effectively as persons who are not so affected. See Order No. 2015, served August 7, 1979.

attend monthly in-service meetings and successfully complete a 10-hour refresher course every 12 months. New drivers must complete a 24-hour course.

Applicant has not been assigned a safety rating by the United States Department of Transportation (USDOT). However, applicant's Executive Director certifies on NCC's behalf that it has access to and is familiar with all USDOT regulations relating to safe operation of commercial vehicles and safe transportation of passengers for hire and will comply with those regulations. Applicant's Executive Director further certifies that NCC 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 NCC has been found unfit or in which its fitness is under investigation by this Commission, the Maryland Public Service Commission, the Virginia State Corporation Commission, the Interstate Commerce Commission, or USDOT.

With its application NCC filed a balance sheet as of June 30, 1990, showing current assets of \$1,452,157, net fixed assets of \$5,799,603, and other assets of \$6,500. Current liabilities were \$1,003,705, and long-term liabilities were \$3,069,981. "Fund Balance," an equity account, was \$4,188,279. NCC's transportation operating statement for the 12 months ended June 30, 1990, showed operating income of \$478,203, and total operating expenses of \$831,935, for a net operating loss of \$353,732. However, net income of \$463,176 "from all other programs" produced an overall net income of \$109,444. NCC's projected transportation operating statement for the first 12 months of WMATC operations estimates \$651,000 WMATC operating income and \$10,000 other operating income. Operating expenses are estimated at \$872,141, for a net operating loss of \$211,141. Net income from non-transportation operations, estimated at \$575,899, produced a projected overall net income of \$364,758.

Applicant's proposed tariff sets forth per capita rates for District of Columbia Medicaid participants, all of whom would be non-ambulatory passengers bound to or from medical treatment: \$35 per round trip, \$25 per one-way trip, plus \$5 for unusual conditions requiring extra help. For trips beyond the Capital Beltway, an extra \$.75 per loaded mile would be charged. Waiting time would be charged at \$5 per 15-minute period. The cancellation charge would be \$7.50.

DISCUSSION AND CONCLUSIONS

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

. . . 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.

Applicant has transportation personnel, vehicles, and facilities in place and is capable of performing the proposed operations. Although applicant projects a net operating loss from its transportation operations, its overall operations produce a positive net income, and NCC appears to be financially healthy. Based on the record in this case, the Commission finds applicant to be fit, willing, and able to perform the transportation properly and to conform to applicable regulatory requirements. The Commission further finds that the proposed transportation is consistent with the public interest.

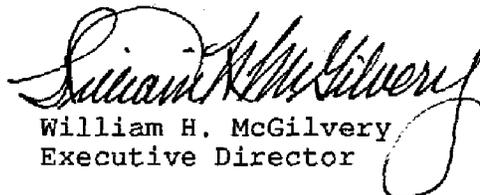
THEREFORE, IT IS ORDERED:

1. That National Children's Center, Inc., 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.

2. That National Children's Center, Inc., 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 Commission Regulation No. 55; (c) an equipment list stating the year, make, model, serial number, vehicle number, license plate number (with jurisdiction), seating capacity of each vehicle to be used in revenue operations in the Metropolitan District, and modifications to vehicles to enable the safe loading and unloading of persons in wheelchairs and to secure wheelchair-bound passengers in transit; and (d) an affidavit of identifications of vehicles pursuant to Commission Regulation No. 61, for which purpose WMATC No. 189 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. 189 shall be issued to National Children's Center, Inc., as appended 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. 189

**National Children's Center, Inc.
6200 Second Street, N.W.
Washington, DC 20011**

By Order No. 3807 of the Washington Metropolitan Area Transit Commission issued August 15, 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 named 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 named carrier:

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

RESTRICTED TO operations conducted according to the named carrier's applicable tariff on file with the Commission 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.

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.