

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 3856

IN THE MATTER OF:

Served December 3, 1991

Application of WHEELCHAIR EXPRESS,)
INC., for Temporary Authority --)
Irregular Route Operations)

Case No. AP-91-28

By Order No. 3834, served October 23, 1991, the above-captioned application was conditionally granted. The grant of authority was restricted to operations for the account of College Park Radiation Therapy Associates based upon evidence submitted with the application in the form of notarized affidavits from two health care professionals.

On November 22, 1991, applicant filed an application for reconsideration of Order No. 3834 to the extent that the order restricted the grant of authority to operations for the account of College Park Radiation Therapy Associates. It is applicant's position that it intended to seek temporary authority without such a restriction, that the affidavits support a grant of authority not so restricted, and that the notice of the application provided by the Commission in the order was broad enough to accommodate applicant's intention and interpretation of the evidence.

Upon consideration of the evidence in light of applicant's arguments advanced in support of a broader interpretation, the Commission will grant reconsideration of Order No. 3834 and will permit applicant to file a General Tariff pursuant to temporary authority for operations not covered by its agreement with College Park Radiation Therapy Associates, consistent with the General Tariff rates proposed in its application. In accordance with the application and with applicant's insurance, the grant of authority will be restricted to vehicles with a manufacturer's designed seating capacity of 15 or fewer persons, including the driver.

THEREFORE, IT IS ORDERED:

1. That the application for reconsideration of Order No. 3834, served October 23, 1991, is hereby granted to the extent discussed herein.

2. That Wheelchair Express, Inc., is hereby conditionally granted temporary authority through Monday, April 20, 1992, unless otherwise ordered by the Commission, to transport passengers in irregular route operations between points in the Metropolitan District, restricted to transportation in vehicles properly equipped for the safe transport of wheelchair-bound passengers, and further restricted to transportation in vehicles with a manufacturer's designed seating capacity of 15 or fewer persons, including the driver.

3. That Wheelchair Express, Inc., is hereby directed, no later than 30 days from the date of this order, to file three copies of its WMATC Temporary Authority General Tariff No. 1 in conformance with the requirements of Regulation No. 55.

4. That, except as modified herein, Order No. 3834 remains in full force and effect.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS DAVENPORT, SCHIFTER, AND SHANNON:


William H. McGilvery
Executive Director