

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 3930

IN THE MATTER OF:

Served April 30, 1992

Application of SAFAI MANAGEMENT)
COMPANY, INC., Trading as PARA-MED) Case No. AP-92-09
WHEELCHAIR TRANSPORTATION, for a)
Certificate of Authority --)
Irregular Route Operations)

By application filed March 5, 1992, Safai Management Company, Inc., trading as Para-Med Wheelchair Transportation (SMCI or applicant), a Maryland corporation, seeks a certificate of authority to transport passengers, together with baggage in the same vehicles as 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 or fewer persons, including the driver.

Notice of this application was served on March 13, 1992, in Order No. 3900, and SMCI was directed to publish further notice in a newspaper and file an affidavit of publication. SMCI complied.

Mobile Care, Ltd., which holds Certificate of Authority No. 65, and Wheelchair Mobile Transport, Inc., which holds Certificate of Authority No. 127, timely filed protests on April 13, 1992. SMCI replied the same day.

SUMMARY OF EVIDENCE

SMCI proposes to conduct operations in five owned vehicles, one of which it owns now. SMCI proposes to transport senior citizens and Medicaid passengers to and from medical facilities. SMCI's proposed tariff contains a schedule of per-capita rates for Medicaid passengers as permitted by the Montgomery County, MD Paratransit System and a separate schedule of per-capita rates for private (non-Medicaid) passengers.

SMCI's application, which is incorporated herein by reference, includes information regarding, among other things, its corporate status, facilities, vehicle maintenance arrangements, driver training practices, proposed tariff, finances, and regulatory compliance record.

SMCI's vice president certifies on its behalf that applicant has access to, is familiar with, and will comply with the Compact, the Commission's rules and regulations, and United States Department of Transportation regulations relating to transportation of passengers for hire.

Applicant filed a balance sheet as of January 31, 1992, showing current assets of \$75,000; fixed assets of \$38,000; current liabilities of \$20,750; long-term liabilities of \$20,000; and equity

of \$72,250. Applicant's projected operating statement for the first twelve months of WMATC operations shows WMATC operating income of \$230,000; total operating expenses of \$218,830; and net income of \$11,170.

It is certified that neither SMCI nor any person controlling, controlled by, or under common control with SMCI has any control relationship with a carrier other than SMCI.

DISCUSSION AND CONCLUSION

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 [the] 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.

Wheelchair Mobile Transport, Inc., protests the application on the ground that there is a large number of carriers already serving this segment of the market. Mobile Care, Ltd., likewise protests on the ground that SMCI would be competing against it in the same market. These are not proper grounds for denial of operating authority. Encouraging applications from new carriers is one of the goals behind the amendments to the Compact, effective February 1, 1991. Protestants' alternative of insulating existing carriers from the competition of new carriers is inconsistent with the public interest.

Based on the evidence in this record, the Commission finds SMCI to be fit, willing, and able to perform the proposed transportation properly and to conform with applicable regulatory requirements. It is further found that the proposed transportation is consistent with the public interest.

THEREFORE, IT IS ORDERED:

1. That Safai Management Company, Inc., trading as Para-Med Wheelchair Transportation, 9532 Emory Grove Road, Gaithersburg, MD 20877, is hereby conditionally granted, contingent upon timely compliance with the requirements of this order, authority to transport passengers, together with baggage in the same vehicles as 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 or fewer persons, including the driver.

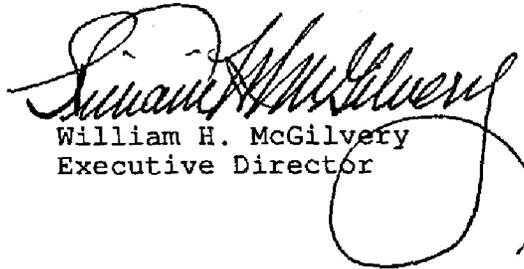
2. That Safai Management Company, Inc., trading as Para-Med Wheelchair Transportation, is hereby directed to file the following documents with the Commission within 30 days of the date of this order, or such additional time as the Commission may direct or allow: (a) evidence of insurance pursuant to Commission Regulation No. 58 and Order No. 3623; (b) four copies of a tariff or tariffs in accordance

with Regulation No. 55; (c) an equipment list stating the year, 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; and (e) a notarized affidavit of identification of vehicles pursuant to Commission Regulation No. 61, for which purpose WMATC No. 206 is hereby assigned.

3. That upon timely compliance with the requirements of the preceding paragraph and acceptance of the documents required by the Commission, Certificate of Authority No. 206 shall be issued to Safai Management Company, Inc., trading as Para-Med Wheelchair Transportation.

4. That unless Safai Management Company, Inc., trading as Para-Med Wheelchair Transportation, complies with the requirements of this order within 30 days from the date of its issuance, or such additional time as the Commission may direct or allow, the grant of authority herein shall be void and the application shall stand denied in its entirety effective upon the expiration of said compliance time.

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



William H. McGilvery
Executive Director