

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 4057

IN THE MATTER OF:

Served February 24, 1993

Application of McClain )  
TRANSPORTATION SERVICE, INC., ) Case No. AP-93-01  
for a Certificate of Authority -- )  
Irregular Route Operations )

By application filed January 4, 1993, McClain Transportation Service, Inc. (McClain or applicant), a Maryland 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 or fewer persons, including the driver.

Notice of this application was served on January 8, 1993, in Order No. 4034, and McClain was directed to publish further notice in a newspaper and file an affidavit of publication. McClain complied. The application is unopposed.

SUMMARY OF EVIDENCE

McClain's application includes information regarding, among other things, its corporate status, equipment, facilities, safety fitness, proposed tariff, finances, and regulatory compliance record.

McClain proposes to commence operations with two 8-passenger vehicles. Service will be provided primarily to the handicapped and elderly. Applicant's proposed tariff contains group charter rates and special operations rates for Medicaid and non-Medicaid transportation.

McClain's 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 December 30, 1992, showing current assets of \$9,750; other assets of \$1,500; and equity of \$11,250. Applicant's projected operating statement for the first twelve months of WMATC operations shows WMATC operating income of \$134,800; operating expenses of \$121,480; and net income of \$13,320.

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

## 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.

Based on the evidence in this record, the Commission finds McClain 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 McClain Transportation Service, Inc., 3304 Clavier Place, Clinton, MD 20735, 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 in vehicles with a manufacturer's designed seating capacity of 15 or fewer persons, including the driver.

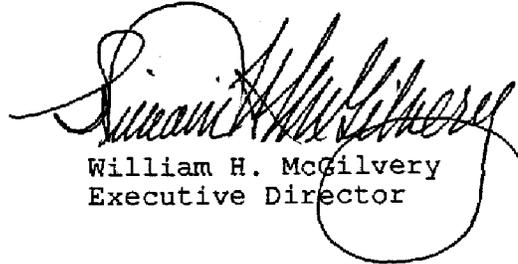
2. That McClain Transportation Service, Inc., is hereby directed to file the following documents with the Commission: (a) evidence of insurance pursuant to Commission Regulation No. 58 and Order No. 3623; (b) four copies of a tariff or tariffs in accordance with Commission Regulation No. 55; (c) an equipment 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; (e) proof of inspection of said vehicle(s) by or on behalf of the United States Department of Transportation, the State of Maryland, the District of Columbia, or the Commonwealth of Virginia; and (e) a notarized affidavit of identification of vehicles pursuant to Commission Regulation No. 61, for which purpose WMATC No. 216 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. 216 shall be issued to McClain Transportation Service, Inc.

4. That unless McClain Transportation Service, Inc., 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

