

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 4257

IN THE MATTER OF:

Served March 17, 1994

Application of IRONSIDES TRANSPORT,) )  
Inc., for a Certificate of Authority )  
-- Irregular Route Operations )

Case No. AP-94-01

By application filed February 2, 1994, Ironsides Transport, Inc. (Ironsides 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 February 3, 1994, in Order No. 4241, and applicant was directed to publish further notice in a newspaper and file an affidavit of publication. Applicant complied. The application is unopposed.

On February 3, 1994, Ironsides Medical Transportation Corporation (Ironsides-Medical), filed a request to terminate its Certificate of Authority No. 31, contingent on issuance of a certificate of authority to applicant. Staff informs us that applicant has purchased, or is in the process of purchasing, substantially all the assets of Ironsides-Medical -- hence the request for termination of Certificate No. 31. We will treat this request as a motion to intervene and grant intervention.

SUMMARY OF EVIDENCE

The application includes information regarding, among other things, applicant's corporate status, facilities, proposed tariff, finances, and regulatory compliance record.

Applicant proposes commencing operations with three vans with a seating capacity of less than 16 persons each. Applicant's proposed tariff contains per capita mileage rates for wheelchair-bound and litter/stretchers-bound, non-Medicaid passengers; per capita mileage rates for wheelchair-bound, Medicaid passengers; and hourly group charter rates.

Applicant filed a balance sheet as of January 24, 1994, showing current assets of \$28,627; plant and equipment of \$86,225; current liabilities of \$7,500; long-term liabilities of \$100,000; and equity of \$7,352. Applicant's projected revenue and expenses for the first twelve months of WMATC operations shows WMATC revenue of \$194,596; other revenue of \$194,596; expenses of \$327,809; and net income of \$61,383.

Applicant certifies it 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 further certifies that neither applicant nor any person controlling, controlled by, or under common control with applicant has any control relationship with a carrier other than applicant.

#### DISCUSSION AND CONCLUSION

The Compact, Title II, Article XI, Section 7(a), 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 applicant to be fit, willing, and able to perform the proposed transportation properly and to conform with applicable regulatory requirements. The Commission further finds that the proposed transportation is consistent with the public interest.

Section 10(b) of Article XI provides that upon application by the holder of a certificate of authority, the Commission may terminate the holder's certificate. We will grant the request of Ironsides-Medical to terminate Certificate No. 31.

Both parties have represented to staff that upon issuance of a certificate to applicant, Ironsides-Medical will cease all passenger carrier operations and its owner/president will begin assisting applicant in the management of applicant's Metropolitan District operations. The parties are reminded that any resumption of carrier operations by Ironsides-Medical, or its owner/president -- in the Metropolitan District or elsewhere -- while either remains affiliated with applicant must be approved beforehand by the Commission under Article XII, Section 3, of the Compact.

Upon applicant's compliance with the requirements of this order, Certificate No. 31 will be terminated and, in consideration of the wholesale transfer of assets, the continuity of management and unchanged character of operations, reissued to applicant.<sup>1</sup>

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<sup>1</sup> Cf. In re WestScot Ltd. Ptrshp & Conference Ctr. Interests, Inc., t/a Westfields Int'l Conf. Ctr., No. AP-93-24, Order No. 4175 (Sep. 30, 1993) (all assets including certificate transferred, but management and operations unchanged).

THEREFORE, IT IS ORDERED:

1. That Ironsides Transport, Inc., 371 Lake Road, Crownsville, MD 21032-1730, 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.

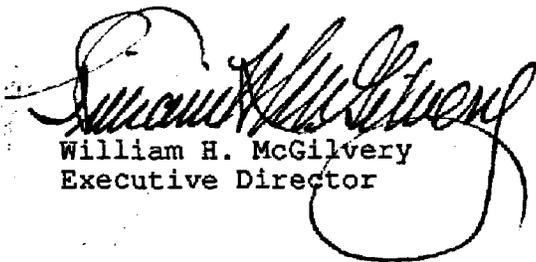
2. That the request of Ironsides Medical Transportation Corporation to terminate its Certificate of Authority No. 31, contingent on issuance of a certificate of authority to applicant, is hereby granted.

3. That applicant is hereby directed to file the following documents with the Commission: (a) evidence of insurance pursuant to Commission Regulation No. 58 and Order No. 4203; (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 current safety 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 (f) a notarized affidavit of identification of vehicles pursuant to Commission Regulation No. 61, for which purpose WMATC No. 31 is hereby reassigned.

4. That upon timely compliance with the requirements of the preceding paragraph and acceptance of the documents required by the Commission, Certificate of Authority No. 31 shall be terminated and reissued to applicant.

5. That unless applicant 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 and approval of termination herein shall be void and the application and request for termination shall stand denied in their entirety effective upon the expiration of said compliance time.

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



William H. McGilvery  
Executive Director