

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 4358

IN THE MATTER OF:

Served August 4, 1994

Application of D&R ENTERPRISES for )  
Temporary Authority -- Irregular )  
Route Operations )

Case No. AP-94-31

By application accepted for filing July 8, 1994, D&R Enterprises (D&R or applicant), a nonprofit corporation chartered in DC, seeks temporary 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 July 12, 1994, in Order No. 4340. The application is unopposed.

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 a 12-passenger van. Applicant's proposed tariff contains a lump-sum contract rate for transportation services to be provided to clients of the Blind & Visually Impaired Program at the Logan Adult Education Center, 3rd & G Streets, N.E., Washington, DC. The application is supported by a notarized affidavit from the Project Director of the program.

D&R also has applied for a certificate of authority, irregular route operations, in Case No. AP-94-32.<sup>1</sup>

Applicant filed a balance sheet as of March 15, 1994, showing assets of \$28,860, and no liabilities. Applicant's operating statement for the twelve months ended February 28, 1994, shows operating income of \$8,000; operating expenses of \$4,985; and net income of \$3,015. Applicant's projected operating statement for the first twelve months of WMATC operations shows WMATC operating income of \$20,000; operating expenses of \$9,150; and net income of \$10,850.

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

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<sup>1</sup> In re D&R Enters., No. AP-94-32, Order No. 4341 (July 12, 1994).

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

This case is governed by the Compact, Title II, Article XI, Section 13(a), which provides:

When the Commission finds that there is an immediate need for service that is not available, the Commission may grant temporary authority for that service without a hearing or other proceeding up to a maximum of 180 consecutive days, unless suspended or revoked for good cause.

Under Commission Regulation No. 54-06(a), applicant must demonstrate that it is fit to provide the temporary service proposed.

We find that the affidavit of Dr. Dorothy Donnelly, Project Director for the the Blind & Visually Impaired Program at the Logan Adult Education Center, 3rd & G Streets, N.E., Washington, DC, establishes that the program's clients have an immediate need for transportation service. The absence of any protest from an authorized carrier establishes that such service is unavailable.<sup>2</sup> We also find that applicant is fit to provide the temporary service proposed.

THEREFORE, IT IS ORDERED:

1. That D&R Enterprises, 322 H Street, N.E., Washington, DC 20002, is hereby conditionally granted, contingent upon timely compliance with the requirements of this order, a maximum of 180 days temporary authority to transport clients of the Blind & Visually Impaired Program at the Logan Adult Education Center, 3rd & G Streets, N.E., Washington, DC, 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 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 temporary tariff no. AP-94-31; (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

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<sup>2</sup> R.V. Goebel Family, Inc., No. AP-92-19, Order No. 3959 (June 18, 1992); In re Apcoa, Inc., No. AP-92-07, Order No. 3907 (Mar. 19, 1992).

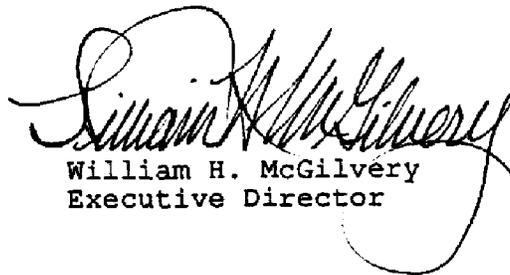
Virginia; and (f) a notarized affidavit of temporary identification of vehicles pursuant to Commission Regulation No. 61, for which purpose WMATC No. AP-94-31 is hereby assigned.

3. That upon applicant's timely compliance with the requirements of this order, the Executive Director shall notify applicant, in writing, that it may commence operations pursuant to temporary authority.

4. That applicant may not transport passengers for hire between points in the Metropolitan District pursuant to this order unless and until written notice has been issued in accordance with the preceding paragraph.

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 temporary 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