

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 5819

IN THE MATTER OF:

Served February 22, 2000

Application of KEEN)
TRANSPORTATION LTD. for a)
Certificate of Authority --)
Irregular Route Operations)

Case No. AP-99-88

Applicant 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 seating capacity of less than 16 persons only, including the driver. The application is unopposed.

The Compact, Title II, Article XI, Section 7(a), authorizes the Commission to issue a certificate of authority if it finds that the proposed transportation is consistent with the public interest and that the applicant is fit, willing, and able to perform the proposed transportation properly, conform to the provisions of the Compact, and conform to the rules, regulations, and requirements of the Commission.

Applicant proposes commencing operations with eight vans and two sedans. Applicant's proposed tariff contains hourly rates and per capita rates for service under a contract with LogistiCare Solutions, LLC.

LogistiCare has been granted a certificate of authority that will enable it to perform a contract with the Washington Metropolitan Area Transit Authority (WMATA).¹ The contract requires LogistiCare to operate a reservation system for the benefit of disabled individuals participating in WMATA's MetroAccess program and to ensure that program participants receive timely and adequate transportation service. The MetroAccess program is WMATA's means of complying with the Americans with Disabilities Act of 1990,² which in pertinent part prohibits discrimination against the disabled by public transportation providers. Service under the contract commenced January 15, 2000, and requires transportation of program participants between points in the Metropolitan District.

LogistiCare intends to subcontract much, but not all, of the transportation service to Keen and four current WMATC carriers.³ Keen

¹ In re LogistiCare Solutions, LLC, t/a LogistiCare, No. AP-99-87, Order No. 5818 (Feb. 22, 2000).

² 42 U.S.C. § 12101, et. seq. (1999).

³ The four WMATC carriers are: Battle's Transportation, Inc., WMATC No. 62; Transportation Management Services, Inc., WMATC No. 170; Graham's Transportation Service, Inc., WMATC No. 307; and Answers, Inc., WMATC No. 488.

and the other subcontractors will operate vehicles furnished by LogistiCare.

We already found applicant fit, willing and able in the course of granting applicant temporary authority in Order No. 5805.⁴ We now find that the proposed transportation is consistent with the public interest. Accordingly, we shall approve this application. Applicant's temporary authority shall expire upon the issuance of a certificate of authority pursuant to this order, but no later than the time provided in Order No. 5805.

THEREFORE, IT IS ORDERED:

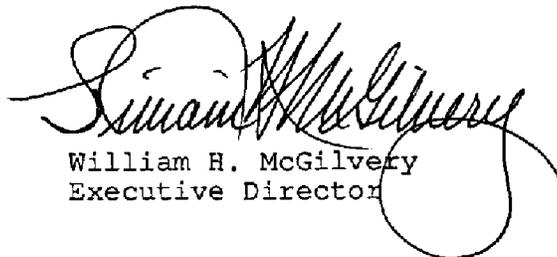
1. That upon applicant's timely compliance with the requirements of this order, Certificate of Authority No. 525 shall be issued to Keen Transportation Ltd., 3239 Prince Ranier Place, Forestville, MD 20747, and the temporary authority granted in Order No. 5805 shall expire.

2. That applicant may not transport passengers for hire between points in the Metropolitan District pursuant to this order unless and until a certificate of authority has been issued in accordance with the preceding paragraph.

3. That applicant is hereby directed to file the following documents within thirty days: (a) evidence of insurance pursuant to Commission Regulation No. 58 and Order No. 4203; (b) an original and four copies of a tariff or tariffs in accordance with Commission Regulation No. 55; (c) a vehicle list stating the year, make, model, serial number, fleet number, license plate number (with jurisdiction) and seating capacity of each vehicle to be used in revenue operations; (d) a copy of the vehicle registration card, and a lease as required by Commission Regulation No. 62 if applicant is not the registered owner, 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.

4. That the grant of authority herein shall be void, and the application shall stand denied, upon applicant's failure to timely satisfy the conditions of issuance prescribed herein.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS ALEXANDER, LIGON, AND MILLER:


William H. McGilvery
Executive Director

⁴ In re Keen Transp. Ltd., No. AP-99-89, Order No. 5805 (Feb. 4, 2000).