

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 5981

IN THE MATTER OF:

Served September 6, 2000

Application of CHALLENGER)
TRANSPORTATION, INC., for)
a Certificate of Authority --)
Irregular Route Operations)

Case No. AP-2000-56

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 fourteen vans and six sedans. Applicant's proposed tariff contains hourly rates and per capita rates for service under a contract with LogistiCare Solutions, LLC, WMATC Carrier No. 524.

LogistiCare has a contract with the Washington Metropolitan Area Transit Authority (WMATA). 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 1990,¹ which in pertinent part prohibits discrimination against the disabled by public transportation providers.

LogistiCare subcontracts much of the transportation service to other WMATC carriers and has selected Challenger to provide MetroAccess service in Montgomery County, Maryland, using vehicles furnished by LogistiCare. Prior to July 1, this service had been furnished by Challenger's commonly-controlled affiliate, Regency Cab, Inc., under a contract with Montgomery County.

We have already found applicant fit, willing and able in the course of granting applicant temporary authority in Order No. 5956.² We now find that the proposed transportation is consistent with the

¹ 42 U.S.C. § 12101, et. seq. (1999).

² In re Challenger Transp. Inc., No. AP-2000-55, Order No. 5956 (Aug. 10, 2000).

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. 5956.

Challenger and affiliate Regency Cab are admonished to keep their assets, books, finances and operations separate. Sharing of office space and parking facilities shall be permitted, but Challenger may not conduct WMATC operations in a vehicle with taxicab markings, and Regency may not use applicant's WMATC vehicles in taxicab operations.

THEREFORE, IT IS ORDERED:

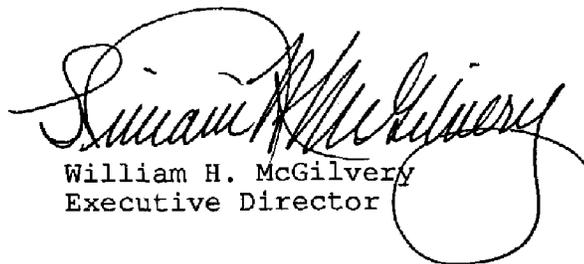
1. That upon applicant's timely compliance with the requirements of this order, Certificate of Authority No. 568 shall be issued to Challenger Transportation, Inc., 8060 Cessna Avenue, Gaithersburg, MD 20879, and the temporary authority granted in Order No. 5956 shall expire.

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) an original and four copies of a tariff or tariffs in accordance with Commission Regulation No. 55; and (b) 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

³ In re Medride, Inc., No. AP-2000-14, Order No. 5863 (Apr. 19, 2000); In re Action Airport Shuttle, Inc., No. AP-96-05, Order No. 4819 (Apr. 19, 1996).