

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 8826

IN THE MATTER OF:

Served July 19, 2005

Application of EARLY BIRD EXPRESS, )  
INC., for a Certificate of )  
Authority -- Irregular Route )  
Operations )

Case No. AP-2005-080

By application accepted for filing May 31, 2005, Early Bird Express, Inc., a Virginia corporation, seeks a certificate of authority for irregular route operations in vehicles with a seating capacity of less than 16 persons only, including the driver.

Applicant proposes commencing operations with five sedans and three vans. Applicant's proposed tariff contains flat rates for one-way transfers under a proposed 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,<sup>1</sup> which in pertinent part prohibits discrimination against the disabled by public transportation providers.

This proceeding is hereby initiated to determine whether applicant is fit and whether the proposed transportation is consistent with the public interest.

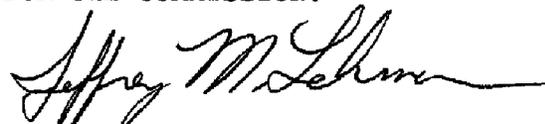
THEREFORE, IT IS ORDERED:

1. That applicant shall publish once in a newspaper of general circulation in the Metropolitan District, no later than August 2, 2005, notice in the form prescribed by the staff of the Commission.

2. That applicant shall file with the Commission, no later than August 16, 2005, an original and four copies of an affidavit that notice has been published as required in the preceding paragraph.

3. That the deadline for filing protests, comments, applications for intervention, and requests for formal hearing, is August 16, 2005, and that copies must be served on applicant's owner, Moneim Zribi, 7955 Audubon Avenue, Suite A8, Alexandria, VA 22306.

FOR THE COMMISSION:



Jeffrey M. Lehmann  
Acting Executive Director

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<sup>1</sup> 42 U.S.C. § 12101, et. seq. (2003).