

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1894

IN THE MATTER OF:

Served September 29, 1978

Application of McKINLEY BATTLE )  
T/A BATTLE'S TRANSPORTATION for ) Case No. AP-78-35  
Temporary Authority to Perform )  
Special Operations )

By application filed September 13, 1978, McKinley Battle, a sole proprietor, trading as Battle's Transportation, seeks temporary authority to transport persons confined to wheelchairs, in special operations, between medical treatment facilities located in the Metropolitan District, on the one hand, and, on the other, points in the Metropolitan District, restricted to the transportation of non-ambulatory beneficiaries of United States Veterans Administration (VA) programs, and also restricted to transportation in vans specially equipped with ramps and mechanical devices for securing wheelchairs in transit. The service would be operated on an as-needed basis rather than on a regular schedule, under contract with the VA for a period of one year commencing October 1, 1978.

Applicant proposes to charge a rate dependent on the distance of each trip as follows:

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|---|---------|
| 1. Round trip entirely within Washington, D.C.  | \$20.00 |
| 2. One-way trip entirely within Washington, D.C.  | \$10.00 |
| 3. Round trip between Washington, D.C., and a point outside the city but within the Capital Beltway | \$25.00 |
| 4. One-way trip similar to (3)  | \$12.50 |
| 5. Round trip between Washington, D.C., and a point outside the Capital Beltway                     | \$30.00 |
| 6. One-way trip similar to (5)  | \$15.00 |
| 7. Charge for an attendant per trip   | \$ 4.50 |
| 8. Rate per mile for any trip in excess of five miles beyond the Capital Beltway                    | \$ 0.65 |

Service would be performed in two Dodge vans, one of which is equipped to carry wheelchair passengers, and the other of which is in the process of being properly equipped.

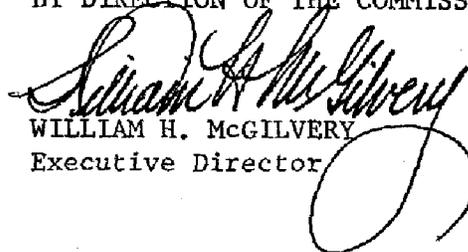
In support of the application, Battle has included a copy of his bid to provide the service and copies of letters exchanged between the Veterans Administration and his counsel. The letter from the VA indicates that he was the only bidder for the transportation contract, but that no contract has been awarded yet.

Two carriers have protested this application, Conval Port Medivan, Inc. (Conval Port), and Ironsides Medical Transportation Corp. (Ironsides). Both hold authority to perform special operations, over irregular routes, limited to handicapped or disabled persons together with their baggage and attendants, not including sightseeing or pleasure tours, between points within the Metropolitan District, restricted to performance of such operations in vehicles with a seating capacity of fifteen passengers (or less) excluding the driver. Ironsides and Conval Port state that they are interested in performing the service for the VA but that circumstances beyond their control prevented them from being included in the bidding process. Conval Port asserts that it made "every effort" to be included on the list of persons from whom bids were solicited, but that it was not invited by VA to submit a bid. Ironsides, which is currently providing the service, alleges that it never received an invitation to bid, although one was apparently mailed to Ironsides by VA.

Title II, Article XII, §4(d)(3) of the Compact authorizes the Commission to grant temporary authority, in its discretion and without hearings or other proceedings, for up to 180 days where there is an immediate and urgent need for service to a point or points or within a territory having no carrier service capable of meeting such need. We find that applicant has failed to satisfy the requirements of §4(d)(3) inasmuch as both Ironsides and Conval Port are authorized to provide the required transportation service, and Ironsides is actually meeting VA's need for service. Therefore, the application will be denied.

THEREFORE, IT IS ORDERED, that the application of McKinley Battle, trading as Battle's Transportation, for temporary authority in Case No. AP-78-35 is hereby denied.

BY DIRECTION OF THE COMMISSION:

  
WILLIAM H. MCGILVERY  
Executive Director