

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D.C.

ORDER NO. 3166

IN THE MATTER OF:

Served May 12, 1988

Application of P&T TRANSPORTATION)
COMPANY, INC., for a Certificate of)
Public Convenience and Necessity to)
Conduct Special Operations)

Case No. AP-87-28

By Order No. 3123, served February 2, 1988, and incorporated herein by reference, the application of P&T Transportation Company, Inc. ("P&T" or "applicant"), for an amended certificate of public convenience and necessity was granted in part and denied in part.

On February 8, 1988, P&T petitioned for reconsideration of Order No. 3123. Upon determination that P&T had failed to show that the Commission erred in the interpretation of the facts as they were presented at hearing, the Petition for Reconsideration was denied by Order No. 3131, served March 8, 1988, and incorporated by reference herein. The application proceeding, however, was reopened by that same order, based on assertions made for the first time by P&T in its petition.

P&T was given the opportunity to submit evidence in support of its claim that the Greater Southeast Community Center for the Aging ("Center") is a health care facility and that transportation between the Center and points in the Metropolitan District is reimbursed by D.C. Medicaid. On April 5, 1988, P&T submitted a letter (unnotarized) from Janice D. Anderson, Chief, Program Operations/Research Branch of the District of Columbia Department of Human Services stating that the District of Columbia Medicaid Program reimburses carriers who perform wheelchair transportation service for the Greater Southeast Day Treatment Program. Applicant also submitted a notarized letter from Mr. Samuel Briggs, Center Administrator, attesting that the Center hosts the Aging Geriatric Day Treatment Program which is designed to provide a safe environment for elderly persons who need assistance in attending to daily needs during the hours that their families are away from home. Mr. Briggs stated that the Center's participants have a variety of medical problems for which the Center provides medical overview through a medical staff which includes two nurses and a part-time physician. The medical staff makes certain that special diets, medication, and therapy programs ordered by outside physicians for Center participants are followed; a weekly check of vital signs is also made.

Upon reviewing the documents submitted by P&T, we find that the letter from Mr. Briggs, being of evidentiary quality, provides adequate support for applicant's claim that the Greater Southeast Community Center for the Aging is a medical treatment facility. The testimony proffered by Mr. Briggs at hearing will now be taken into consideration. Mr. Briggs' testimony at hearing, as summarized in Order No. 3123, showed a need for transportation between the Center and a variety of points in Northern Virginia; Montgomery and Prince George's Counties, Md.; and Washington, D.C. Mr. Briggs stated that he would be able to refer at least 30 private-pay ambulatory passengers to P&T two weekends a month in addition to two or three evenings a week.

Based upon the evidence of record, we find that P&T Transportation Company, Inc., has met its burden of proving that its proposed service between the Greater Southeast Community Center for the Aging, on the one hand, and, on the other, points in the Metropolitan District will serve a useful purpose, responsive to the public need. Since no protests were entered, and there is no showing that this need for service can be met effectively by any existing carriers, we conclude that the proposed service will not materially affect the operations of existing carriers.

P&T's application requests a broad grant of authority to transport passengers between health care facilities located within the Metropolitan District, on the one hand, and, on the other, points in the Metropolitan District. The two witnesses put forth by applicant at hearing, however, only provide support for service for the National Rehabilitation Hospital and the Greater Southeast Center for the Aging both located in Washington, D.C. There is no evidence contained in the record that would support the need for the proposed service to other health care facilities located within the Metropolitan District. We will therefore limit applicant's authority to the above-named accounts.

THEREFORE, IT IS ORDERED:

1. That P&T Transportation Company, Inc., is hereby conditionally granted authority, contingent upon compliance with the requirements of this order, to transport passengers for hire in special operations between the following health care facilities, on the one hand, and on the other, points in the Metropolitan District:

- (a) National Rehabilitation Hospital, 102 Irving Street, N.W., Washington, D.C., and
- (b) Greater Southeast Community Center for the Aging, 1350 Southern Avenue, S.E., Washington, D.C.

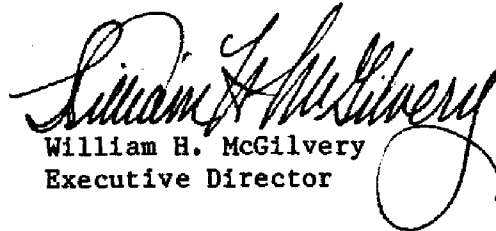
2. That P&T Transportation Company, Inc., is hereby directed to file with the Commission two copies of an appropriate WMATC Tariff No. 2 at the rates proposed in its application.

3. That unless P&T Transportation Company, Inc., complies with the requirements of the preceding paragraph within 30 days from the service date of this order or such additional time as the Commission may direct or allow, the grant of authority contained herein shall be void, and the application shall stand denied in its entirety, effective upon the expiration of the said compliance time.

4. That upon timely compliance with the requirements of this order, P&T Transportation Company, Inc., will be issued a revised Certificate of Public Convenience and Necessity No. 47 in the form contained in the Appendix to this order.

5. That the application, except to the extent granted herein and in Order No. 3123, served February 2, 1988, is denied.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS WORTHY, SCHIFTER, AND SHANNON:


William H. McGilvery
Executive Director

P&T TRANSPORTATION CO., INC.

WASHINGTON, D.C.

IRREGULAR ROUTES:

- PART A -

SPECIAL OPERATIONS, round-trip or one-way,
transporting persons confined to wheelchairs:

Between medical treatment facilities located in
the Metropolitan District, on the one hand, and,
on the other, points in the Metropolitan
District.

RESTRICTED IN PART A to the transportation of
non-ambulatory participants in the Medicaid program
of the District of Columbia, and further restricted
to transportation in vehicles specially equipped with
ramps and mechanical devices for securing wheelchairs
in transit.

- PART B -

SPECIAL OPERATIONS, round-trip or one-way,
transporting persons between the (1) National
Rehabilitation Hospital, 102 Irving Street, N.W.,
Washington, D.C., and, (2) Greater Southeast
Community Center for the Aging, 1350 Southern Avenue,
S.E., Washington, D.C., on the one hand, and, on the
other, points in the Metropolitan District.

RESTRICTED IN BOTH PARTS A and B above to
transportation in vehicles with a manufacturer's
designed seating capacity of 15 passengers or less
including the driver and further restricted against
transportation solely within the Commonwealth of
Virginia.