

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 6118

IN THE MATTER OF:

Served February 12, 2001

Application of MONTGOMERY ASSISTED)
TRANSPORTATION, INCORPORATED, for)
a Certificate of Authority --)
Irregular Route Operations)

Case No. AP-2001-07

By application filed January 31, 2001, Montgomery Assisted Transportation, Incorporated, a Maryland 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's secretary/treasurer, Lawrence A. M. Lee, is the CEO of Wheelchair Mobile Transport, Inc., WMATC No. 127.

Applicant proposes commencing operations with seven vans and three sedans. Applicant's proposed tariff contains hourly rates for transportation 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 applicant to provide MetroAccess service primarily in Montgomery County, Maryland.

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.

The Compact also states that a carrier or any person controlling, controlled by, or under common control with a carrier shall obtain Commission approval to acquire control of another carrier that operates in the Metropolitan District through ownership of its

¹ 42 U.S.C. § 12101, *et. seq.* (1999).

stock or other means.² Approval may be granted if the Commission finds the acquisition is consistent with the public interest.³

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

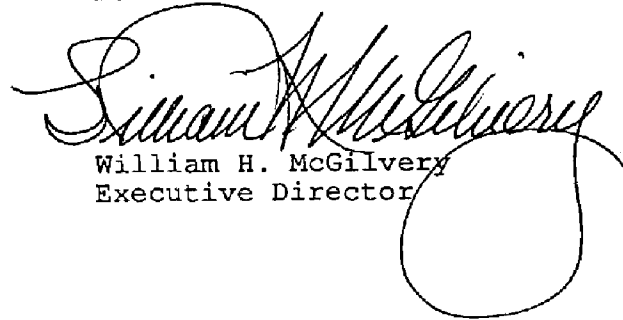
THEREFORE, IT IS ORDERED:

1. That applicant shall publish once in a newspaper of general circulation in the Metropolitan District, no later than February 26, 2001, notice in the form prescribed by the staff of the Commission.

2. That applicant shall file with the Commission, no later than March 19, 2001, 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 March 19, 2001, and that copies must be served on applicant's attorney, Donald L. Noble, Esquire, 7801 Old Branch Avenue, Clinton, MD 20735.

FOR THE COMMISSION:



William H. McGilvery
Executive Director

² Compact, tit. II, art. XII, § 3(a)(iii).

³ Compact, tit. II, art. XII, § 3(c).