

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 7151

IN THE MATTER OF:

Served April 24, 2003

Application of ALTERNA-TRANS INC. )  
for a Certificate of Authority -- )  
Irregular Route Operations )

Case No. AP-2003-36

By application accepted for filing April 3, 2003, Alterna-Trans Inc., 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 proposes commencing operations with five sedans. Applicant's proposed tariff contains 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,<sup>1</sup> 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 in the District of Columbia and Montgomery County, Maryland.

Applicant is owned by the same persons that own Challenger Transportation, Inc., WMATC Carrier No. 568. The Compact 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 stock or other means.<sup>2</sup> Approval may be granted if the Commission finds the acquisition is consistent with the public interest.<sup>3</sup> The public interest analysis focuses on the fitness

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<sup>1</sup> 42 U.S.C. § 12101, *et. seq.* (1999).

<sup>2</sup> Compact, tit. II, art. XII, § 3(a)(iii).

<sup>3</sup> Compact, tit. II, art. XII, § 3(c).

of the acquiring party, the resulting competitive balance, and the interest of affected employees.<sup>4</sup>

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.

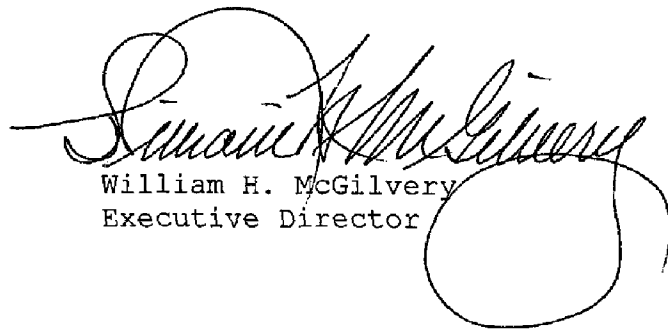
THEREFORE, IT IS ORDERED:

1. That applicant shall publish once in a newspaper of general circulation in the Metropolitan District, no later than May 8, 2003, notice in the form prescribed by the staff of the Commission.

2. That applicant shall file with the Commission, no later than May 29, 2003, 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 May 29, 2003, and that copies must be served on applicant's operations manager, Michael P. Healy, 8210 Beechcraft Avenue, Gaithersburg, MD 20879.

FOR THE COMMISSION:



William H. McGilvery  
Executive Director

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<sup>4</sup> Act of Sept. 15, 1960, Pub. L. No. 86-794, § 3, 74 Stat. 1031, 1050 (1960) (codified at DC CODE ANN. § 9-1103.01 (2001)); In re Cavalier Transp. Co., Inc., t/a Tourtime America, Ltd., & Tourtime America Motorcoach, Ltd., No. AP-96-21, Order No. 4926 (Sept. 12, 1996).