

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 7770

IN THE MATTER OF:

Served February 24, 2004

Application of ELITE)	Case No. AP-2004-08
TRANSPORTATION, INC., for a)	
Certificate of Authority --)	
Irregular Route Operations)	

By application accepted for filing December 29, 2003, Elite Transportation, 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 was granted operating authority in early 2003, but the issuance of a certificate of authority was expressly made contingent on applicant filing additional documents.¹ Applicant failed to file the necessary documents in a timely manner, thereby voiding the Commission's approval.²

Applicant proposes commencing operations with one van. Applicant's proposed tariff contains fares for transportation to and from Ronald Reagan Washington National, Washington-Dulles International and Baltimore-Washington International (BWI) Airports. It is not clear whether these fares will be applied on a per person basis, and if so whether reduced fares will apply to additional persons traveling in preformed groups, as is customary for this type of service. Applicant will be directed to file amended proposed airport fares addressing these issues and omitting fares for BWI, which is not within our jurisdiction.

Applicant's proposed tariff also contains a mileage rate for transportation of "non-emergency patients" with "medical conditions which may require specialized training of a driver." Commission Regulations Nos. 51-12, 55-09 and 63-05 specifically prohibit any carrier from holding itself out as being capable of rendering life support service. In addition, although applicant's first application

¹ See In re Handi Cab Transp., Inc., No. AP-03-14, Order No. 7129 (Apr. 9, 2003) (conditionally granting Certificate No. 788). See also In re Handi Cab Transp., Inc., & Elite Transp., Inc., No. AP-03-45, Order No. 7168 (May 5, 2003) (amending name).

² See Order No. 7129 (grant of authority void upon applicant's failure to timely satisfy conditions of issuance); Commission Regulation No. 66 (failure to comply with conditions of grant within 180 days voids approval).

proposed rates for transportation under the DC Medicaid program, this application does not. On the other hand, the rate that has been proposed for "non-emergency patients" appears to be the rate paid at one time under the Medicaid program in Montgomery County, Maryland. Applicant will be directed to file an amended proposed rate, or amended proposed rates, for assisted transportation, including the current rates for any Medicaid transportation applicant intends to perform, without reference to any specialized training that may be required because of a passenger's medical condition.

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 March 9, 2004, notice in the form prescribed by the staff of the Commission.

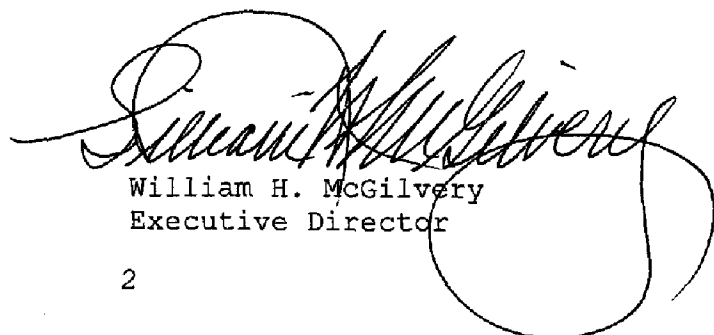
2. That applicant shall file with the Commission, no later than March 30, 2004, an original and four copies of an affidavit that notice has been published as required in the preceding paragraph.

3. That applicant shall file with the Commission, no later than March 9, 2004, an original and four copies of an amended schedule of airport fares omitting fares for BWI and specifying whether fares to airports in the Commission's jurisdiction will be applied on a per person basis, and if so whether reduced fares will apply to additional persons traveling in preformed groups and what those reduced fares, if any, will be.

4. That applicant shall file with the Commission, no later than March 9, 2004, an original and four copies of an amended proposed rate, or amended proposed rates, for assisted transportation, including the current rates for any Medicaid transportation applicant intends to perform, without reference to any specialized training that may be required because of a passenger's medical condition.

5. That the deadline for filing protests, comments, applications for intervention, and requests for formal hearing, is March 30, 2004, and that copies must be served on applicant's executive director, Jimoh Alimi, 6331 Kinsey Terrace, Lanham, MD 20706.

FOR THE COMMISSION:



William H. McGilvery
Executive Director