

BEFORE THE
WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 107

Served December 14, 1961

IN THE MATTER OF:

Montgomery Charter Service, Inc.)
Motion to Dismiss Application for)
Certificate of Public Convenience)
and Necessity) Application No. 172

Montgomery Charter Service, Inc., of Bethesda, Maryland, has filed an application (No. 172) for a Certificate of Public Convenience and Necessity to authorize transportation of passengers for hire by motor vehicle in charter, sightseeing, contract, and airport terminal operations within the Metropolitan District, limited, however, to transportation of not more than eight passengers in any one vehicle, but not including the driver thereof, or children under ten (10) years of age who do not occupy a separate seat or seats.

At the same time, Applicant filed a motion to dismiss the application, declaring that the Commission has jurisdiction in this instance over rates and minimum amounts of liability insurance only, and thus has no jurisdiction to require or issue a certificate of operating authority.

The Applicant offers as reasons for the motion its interpretation of Article XII, Section 1(a) and 1(c) of the Compact, which reads as follows:

"1. (a) This Act shall apply to the transportation for hire by any carrier of persons between any points in the Metropolitan District and to the persons engaged in rendering or performing such transportation service,....

"1. (c) Notwithstanding the provisions of paragraph (a) of this section, this Act shall apply to taxicabs and other vehicles having a seating capacity of eight passengers or less in addition to the driver thereof with respect only to (i) the rate or charges for transportation from one signatory to another within the confines of the Metropolitan District, and (ii) requirements for minimum insurance coverage."

By Order No. 105, published and served on December 1, 1961, the Commission set the application for hearing, reserving decision on the motion to dismiss.

The Commission has been advised by the Applicant's president and counsel that it commenced operations in September 1961, that it has been conducting operations since, and is in fact currently operating. The Applicant has not filed an application for temporary authority to operate pending decision on its' application.

The Commission, in reaching a decision on the motion to dismiss, has considered not only the language of Section 1 (a) and (c), but the entire Compact, and the legislative history relating to the creation of the Compact.

The Commission is of the opinion that the words, "and other vehicles," used in Section 1 (c), must be interpreted as meaning other vehicles used as taxicabs, as "taxicab" is defined in Section 2 (d) of Article XII.

The authority sought in Application No. 172 is clearly outside the scope and meaning of the definition of the term "taxicab" set forth in Section 2 (d). Therefore, the Commission concludes that the transportation set forth in said application requires operating authority in the form of a certificate of public convenience and necessity issued by this Commission, and that the motion to dismiss Application No. 172 should be denied.

The Commission is also of the opinion that the Applicant should be ordered to cease and desist such operations pending a determination of the application.

THEREFORE, IT IS ORDERED:

1. That the motion to dismiss Application No. 172 be, and it is, hereby denied.

2. That Montgomery Charter Service, Inc., be, and it is, hereby ordered to cease and desist from transporting persons for hire within the Metropolitan District in charter, sightseeing, contract, and airport terminal operations until appropriate authority is issued by the Commission.

BY DIRECTOR OF THE COMMISSION:



DELMER ISON
Executive Director