

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 12,091

IN THE MATTER OF:

Served July 15, 2009

Application of THE BARNEY	)	Case No. AP-2009-058
NEIGHBORHOOD HOUSE AND SOCIAL AND	)	
INDUSTRIAL SETTLEMENT for a	)	
Certificate of Authority --	)	
Irregular Route Operations	)	
		Case No. AP-2009-059
Application of THE BARNEY	)	
NEIGHBORHOOD HOUSE AND SOCIAL AND	)	
INDUSTRIAL SETTLEMENT for Temporary	)	
Authority -- Irregular Route	)	
Operations	)	

Applicant seeks a certificate of authority to transport passengers in irregular route operations between points in the Metropolitan District. Applicant also seeks temporary authority to provide such service. The applications are unopposed.

This is the second time applicant has submitted applications for permanent and temporary operating authority. Applicant submitted similar applications last year, but later withdrew the applications.<sup>1</sup>

**I. CERTIFICATE OF AUTHORITY**

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.

Applicant proposes commencing operations with seven sedans, two limousines, seven vans, ten minibuses, and eight other buses. Applicant proposes operating under a tariff containing rates for transportation under contracts with government agencies.

Applicant verifies that: (1) applicant owns or leases, or has the means to acquire through ownership or lease, one or more motor vehicles meeting the Commission's safety requirements and suitable for the transportation proposed in this application; (2) applicant owns, or has the means to acquire, a motor vehicle liability insurance policy that provides the minimum amount of coverage required by

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<sup>1</sup> *In re Barney Neighborhood House and Social and Indus. Settlement, t/a Barney Neighborhood House*, No. AP-08-151, Order No. 11,679 (Nov. 12, 2008).

Commission regulations; and (3) applicant has access to, is familiar with and will comply with the Compact, the Commission's rules, regulations and orders, and Federal Motor Carrier Safety Regulations as they pertain to transportation of passengers for hire.

Based on the evidence in this record, the Commission finds that the proposed transportation is consistent with the public interest and that 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.

## **II. TEMPORARY AUTHORITY**

Under Title II of the Compact, Article XI, Section 13(a), the Commission may grant temporary authority if there is an immediate need for service that is not available. The record does not support a finding that the service applicant would provide is not available from any existing WMATC carrier. Conditionally granting the application for a certificate of authority renders the temporary application moot, in any event.

THEREFORE, IT IS ORDERED:

1. That Case Nos. AP-09-058 and AP-09-059 are hereby consolidated pursuant to Commission Rule No. 20-02.

2. That the application for temporary authority is denied.

3. That upon applicant's timely compliance with the requirements of this order, Certificate of Authority No. 1625 shall be issued to The Barney Neighborhood House and Social and Industrial Settlement, 5656A 3rd Street, N.E., Washington, DC 20011-2532.

4. That applicant may not transport passengers for hire between points in the Metropolitan District pursuant to this order unless and until a certificate of authority has been issued in accordance with the preceding paragraph.

5. That applicant is hereby directed to present its revenue vehicle(s) for inspection and file the following documents within the 180-day maximum permitted in Commission Regulation No. 66: (a) evidence of insurance pursuant to Commission Regulation No. 58; (b) an original and four copies of a tariff or tariffs in accordance with Commission Regulation No. 55; (c) a vehicle list stating the year, make, model, serial number, fleet number, license plate number (with jurisdiction) and seating capacity of each vehicle to be used in revenue operations; (d) a copy of the for-hire vehicle registration card, and a lease as required by Commission Regulation No. 62 if applicant is not the registered owner, for each vehicle to be used in revenue operations; and (e) proof of current safety inspection of said vehicle(s) by or on behalf of the United States Department of Transportation, the State of Maryland, the District of Columbia, or the Commonwealth of Virginia.

6. That the grant of authority herein shall be void and the application shall stand denied upon applicant's failure to timely satisfy the conditions of issuance prescribed herein.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS CHRISTIE AND BRENNER:

A handwritten signature in black ink, appearing to read 'W. S. Morrow, Jr.', written in a cursive style.

William S. Morrow, Jr.  
Executive Director