

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 12,642

IN THE MATTER OF:

Served December 3, 2010

Application of AMERICA)
TRANSPORTATION SERVICES, INC., for) Case No. AP-2010-138
a Certificate of Authority --)
Irregular Route Operations)

Applicant seeks a certificate of authority to transport passengers in irregular route operations between points in the Metropolitan District. The application is unopposed.

This is applicant's fourth application for operating authority. Applicant originally applied for operating authority in 2005, but that application was denied without prejudice for failure to establish regulatory compliance fitness.¹ Applicant filed a second application in 2005 and was granted operating authority in 2006, but the issuance of a certificate of authority was expressly made contingent on applicant filing additional documents and passing a vehicle inspection conducted by Commission staff.² Applicant failed to satisfy those conditions within the time allotted, thereby voiding the Commission's approval.³

Applicant subsequently applied for operating authority a third time in 2007. That application was granted, but the issuance of a certificate of authority likewise was made contingent on applicant filing additional documents and passing a vehicle inspection conducted by Commission staff.⁴ Applicant failed to satisfy those conditions within the time allotted, thereby voiding the Commission's approval for a second time.⁵

¹ *In re America Transp. Servs., Inc.*, No. AP-05-066, Order No. 8919 (Aug. 18, 2005).

² *In re America Transp. Servs., Inc.*, No. AP-05-191, Order No. 9556 (May 12, 2006) (conditionally granting Certificate No. 1216).

³ See *id.* (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).

⁴ *In re America Transp. Servs., Inc.*, No. AP-07-022, Order No. 10,399 (Apr. 10, 2007) (conditionally granting Certificate No. 1216).

⁵ See *id.* (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).

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 one sedan, four minibuses, and one motorcoach. Applicant proposes operating under a tariff containing charter rates and individual and/or group sightseeing rates.

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 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.

We note that in the event applicant fails to successfully obtain a certificate of authority in this proceeding, the three-strike rule in Regulation No. 66 provides that an applicant which has three successive conditional grants voided "shall be barred from reapplying for a period of one year as measured from the end of the third 180-day period."

THEREFORE, IT IS ORDERED:

1. That upon applicant's timely compliance with the requirements of this order, Certificate of Authority No. 1216 shall be issued to America Transportation Services, Inc., 4810 Saint Barnabas Road, #A, Temple Hills, MD 20748-4604.

2. 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.

3. 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.

4. 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.

FOR THE COMMISSION

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

William S. Morrow, Jr.
Executive Director