

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 13,201

IN THE MATTER OF:

Served March 20, 2012

Application of GIRON'S LIMO)
SERVICE, INC., for a Certificate of)
Authority -- Irregular Route)
Operations)

Case No. AP-2011-162

Investigation of Violation of WMATC)
Regulation No. 63-04 by GIRON'S)
LIMO SERVICE, INC.)

Case No. MP-2011-102

This matter is before the Commission on the response of Giron's Limo Service, Inc., (GLSI), to Order No. 13,074, served December 8, 2011. That order directed GLSI to cease and desist from advertising passenger carrier service requiring a WMATC certificate of authority and also directed GLSI to show cause why the Commission should not assess a civil forfeiture for violating WMATC Regulation No. 63-04.

This matter also is before the Commission on the application of GLSI filed December 13, 2011, for a certificate of authority.

I. INVESTIGATION

WMATC Regulation No. 63-04 provides that no carrier regulated by the Commission or subject to such regulation shall advertise or hold itself out to perform transportation or transportation-related services within the Metropolitan District unless such transportation or transportation-related services are authorized by the Commission.

Order No. 13,074 noted that as of December 8, 2011, the website www.gironslimo.com advertised passenger transportation service by "Girons Limousine" in vehicles seating 10, 14, and 22 passengers in Washington, DC, and the following specific jurisdictions in Virginia and Maryland:

Reston, Fairfax, Tysons, Alexandria, Arlington,
Annandale, Springfield, Silver Spring, Wheaton,
Gaithersburg, Laurel, Greenbelt, Takoma Park, and
Rockville.

Except as to any trips that may take place entirely in Virginia, WMATC authority is required to transport passengers for hire between the points listed above in vehicles seating more than nine persons, including the driver. It thus appeared to the Commission that GLSI was violating WMATC Regulation No. 63-04.

Accordingly, the Commission ordered GLSI to cease and desist from advertising passenger carrier service requiring a WMATC certificate of authority until otherwise ordered by the Commission. Second, the Commission gave GLSI 30 days to show cause why a civil forfeiture should not be assessed for GLSI's knowing and willful violation of Regulation No. 63-04.

GLSI promptly filed an application for a certificate of authority on December 13, 2011, and amended its website by deleting the list of localities cited in Order No. 13,074.

Accordingly, we find that GLSI timely ceased advertising transportation requiring a WMATC certificate of authority. Due to GLSI's prompt compliance with Order No. 13,074, we also find that GLSI has shown cause why a civil forfeiture shall not be assessed.

We now proceed to the application.

II. APPLICATION FOR CERTIFICATE OF AUTHORITY

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

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 two sedans, two limousines, one van, and two other vehicles. Applicant proposes operating under a tariff containing individual and/or group sightseeing rates, rates for mileage and/or hourly priced transportation, and airport shuttle 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.

Commission records show that applicant shares office space and an employee with Girons Transportation Service LLC, WMATC Carrier No. 1863. Applicant is admonished to keep its assets, books, finances and operations completely separate from those of Girons Transportation Service LLC. Sharing of office space will be allowed, but this should not be construed as permission to share revenue vehicles or operating authority.¹

THEREFORE, IT IS ORDERED:

1. That upon applicant's timely compliance with the requirements of this order, Certificate of Authority No. 1915 shall be issued to Giron's Limo Service, Inc., 2308 Spencerville Road, Spencerville, MD 20868-9745.

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.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS BRENNER AND HOLCOMB:



William S. Morrow, Jr.
Executive Director

¹ *In re Metroride LLC*, No. AP-09-099, Order No. 12,230 (Nov. 18, 2009).