

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 13,596

IN THE MATTER OF:

Served November 27, 2012

Application of EXECUTIVE SEDAN)
AMERICA, LLC, for a Certificate of)
Authority -- Irregular Route)
Operations)

Case No. AP-2012-186

Applicant seeks a certificate of authority to transport passengers in irregular route operations between points in the Metropolitan District, restricted to transportation in vehicles with a seating capacity of less than 16 persons only, including the driver. 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. An applicant must establish financial fitness, operational fitness, and regulatory compliance fitness.¹

Applicant proposes commencing operations with one sedan and one SUV. Applicant proposes operating under a tariff containing charter rates and rates for mileage and/or hourly priced transportation.

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.

While this proceeding was pending, however, the Commission discovered that applicant was advertising passenger carrier service on the Internet. Applicant disabled the website immediately upon being informed that the service advertised requires WMATC operating

¹ *In re Metro Day Treatment Center, Inc.*, No. AP-10-032, Order No. 12,729 (Feb. 15, 2011).

authority. Given applicant's prompt correction, we find that the application may be approved subject to a one year probation period.²

Based on the evidence in this record, and in light of the conditions specified in this order, 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.

THEREFORE, IT IS ORDERED:

1. That upon applicant's timely compliance with the requirements of this order, Certificate of Authority No. 2081 shall be issued to Executive Sedan America, LLC, 4720 Gloucester Road, Alexandria, VA 22312-1523.

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 applicant shall be placed on probation for a period of one year commencing with the issuance of a certificate of authority in accordance with the terms of this order and that a willful violation of the Compact, or of the Commission's rules, regulations or orders thereunder, by applicant during the period of probation shall

² See *In re A & J Limo Servs., Inc.*, No. AP-09-048, Order No. 12,104 at 3-4 (July 27, 2009) (approving application subject to one year probation after applicant corrected website advertising); *In re Malek Investment, Inc., t/a Montgomery Airport Shuttle*, No. AP-91-44, Order No. 3884 (Feb. 11) (prompt cessation of unauthorized operations following cease and desist order demonstrates sincere effort to correct past mistakes and willingness to comply with Commission regulations and orders in future), *aff'd in connected case*, No. AP-91-45, Order No. 3915 (Mar. 25, 1992)

constitute grounds for immediate suspension and/or revocation of applicant's operating authority without further proceedings, regardless of the nature and severity of the violation.

5. 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, HOLCOMB, AND BELLAMY:

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

William S. Morrow, Jr.
Executive Director