

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 13,609

IN THE MATTER OF:

Served November 29, 2012

Application of UNITED EXECUTIVE ) Case No. AP-2012-153  
SEDAN SERVICE, INC., for 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, 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. Under Article XI, Section 7(d), the Commission may attach to the issuance of a certificate and to the exercise of the rights granted under it any term, condition, or limitation that is consistent with the public interest.

Applicant proposes commencing operations with one sedan. Applicant proposes operating under a tariff containing rates for transportation under contracts with private entities.

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.

The issuance of a certificate of authority in this case will be subject to the Commission's usual conditions requiring WMATC applicants to produce certain documents and present their vehicles for inspection by Commission staff before a certificate of authority will be issued. The issuance of a certificate of authority in this case will be subject to one other condition, as well.

As noted above, applicant proposes commencing operations with one sedan. The sedan in question, a 2011 Lincoln, is currently being operated by applicant's owner, Mesfin A Sima, under Certificate of Public Convenience and Necessity No. 344 issued by the Virginia Department of Motor Vehicles. The Lincoln is registered to Autoflex Leasing LLC. Under WMATC Regulation No. 62, applicant would need to file with WMATC a lease from Autoflex Leasing LLC (or a lease from Mr. Sima and a letter of approval from Autoflex Leasing LLC) before operating the Lincoln under WMATC authority, and no other person, including applicant's owner, would be permitted to operate the Lincoln during the term of that lease.

Applicant's owner indicates that he has requested the Virginia DMV to approve the transfer of Certificate No. 344 to applicant. Under the circumstances, we believe that it would be in the public interest to condition the issuance of a WMATC certificate of authority to applicant on applicant filing proof that Certificate No. 344 has been reissued in applicant's name.

THEREFORE, IT IS ORDERED:

1. That upon applicant's timely compliance with the requirements of this order, Certificate of Authority No. 2082 shall be issued to United Executive Sedan Service, Inc., 8577 Enochs Drive, Lorton, VA 22079-1338.

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; (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; and (f) evidence showing Virginia Department of Motor Vehicles Certificate of Public Convenience and Necessity No. 344 has been reissued in applicant's name.

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, 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