

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1923

IN THE MATTER OF:

Served November 21, 1978

Application of SILVER SPRING TAXI,)
INC., for a Certificate of Public)
Convenience and Necessity to)
Perform Charter Operations Pursuant)
to Contract - NIH)

Case No. AP-78-33

By Order No. 1888, served September 28, 1978, and incorporated by reference herein the application of Silver Spring Taxi, Inc., for authority to transport hospital patients, out patients and parents and guardians of patients between various points in the Metropolitan District pursuant to a contract with the National Institutes of Health was dismissed pursuant to our finding that the proposed operation is a taxicab service and is subject to the Commission's jurisdiction only with respect to interstate rates and minimum insurance requirements. Silver Spring Taxi, Inc., was also directed to charge and collect only those interstate fares authorized by prior orders of the Commission.

On October 30, 1978, Silver Spring Taxi, Inc., filed an application for reconsideration of Order No. 1888 asserting (a) that applicant is subject to the full range of this Commission's jurisdiction including the certification requirements of Title II, Article XII, Section 4(a) of the Compact, and (b) that, even if applicant's operations are partially exempt under the provisions of Title II, Article XII, Section 1(c) of the Compact, the rate structure agreed to by the parties to the contract should be approved as a variation to the normal interstate rates prescribed for taxicabs licensed by Montgomery County, Md.

Applicant's first contention must be rejected. The record clearly reveals that the vehicles to be utilized in the proposed service are taxicabs. The mere circumstance that fares are paid and arrangements are made by a third party for the benefit of the riders is irrelevant. Title II, Article XII, Section 1(c) of the Compact provides, as pertinent, that "this Act shall apply to taxicabs . . . with respect only to (i) the rate or charges for transportation from one signatory to another within the

confines of the Metropolitan District, and (ii) requirements for minimum insurance coverage." Hence, our jurisdiction relates to the vehicle and inquiry into the details of each trip contemplated by the parties is superfluous absent a showing that the vehicles would be operated between fixed termini on regular schedules.

Turning now to applicant's second contention, it is asserted that, because Montgomery County, Md., requires its taxicabs to operate with a taximeter, charges for service may vary between two identical points due to conditions beyond the operator's control. NIH, in support of the application for reconsideration, states that it prefers a fixed-cost schedule because it is less expensive and it enhances administrative control.

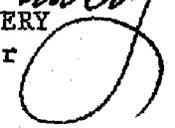
While fares determined by a taximeter may generate some problems, we cannot be unmindful that the utilization of taximeters and rates designed therefor are conscious choices made by several local jurisdictions including Montgomery County. The legislative history of the Compact clearly demonstrates that local jurisdictions are to have primary responsibility for regulating taxicabs, and this Commission's jurisdiction extends only to matters beyond the jurisdiction of the signatories and their political subdivisions. Cf. Report No. 1621, H. Rep. Comm. on the Judiciary, 86th Cong., 2d Sess. (May 18, 1960), pp. 10, 13 and 106 Cong. Rec. 11740. Moreover, we are aware that taxicabs licensed by Montgomery County are required to have the taximeters in operation while transporting passengers for hire. Thus, our approval of a non-taximeter rate structure herein would create an enforcement burden for Montgomery County in addition to intruding upon that jurisdiction's rate-making decisions.

Also of significance is the scope of operations contemplated in the above-referenced contract. Rates are set forth therein for service (a) solely between points in Montgomery County, (b) between points in Montgomery County, on the one hand, and, on the other, other points in the Metropolitan District, (c) between points in the Metropolitan District exclusive of Montgomery County, and (d) to and from points beyond the Metropolitan District. Obviously, even this Commission's limited jurisdiction over taxicab rates does not apply to either (a) or (b) above. Correspondingly, there has been no showing that applicant's taxicab license, in conjunction with local reciprocity agreements or otherwise, permits operations described in (b) and (c) above.

In any event, the present application is not for approval of a tariff. Should applicant desire some alteration of the rates heretofore prescribed for interstate taxicabs licensed by Montgomery County, it should file an appropriate pleading with supportive data. See Commission Regulation 56-04. In such a context, officials of Montgomery County can be afforded an opportunity for meaningful and necessary participation. Nothing herein or in Order No. 1888 shall be construed as prejudicing such a proceeding.

THEREFORE, IT IS ORDERED that the above-referenced application for reconsideration of Silver Spring Taxi, Inc., is hereby denied.

BY DIRECTION OF THE COMMISSION:


WILLIAM H. MCGILVERY
Executive Director 

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