

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 4541

IN THE MATTER OF:

Served March 24, 1995

Application of RESTON LIMOUSINE & )  
TRAVEL SERVICE, INC., Trading as )  
RESTON LIMOUSINE, to Amend )  
Certificate of Authority No. 241 )

Case No. AP-95-05

By application accepted for filing February 1, 1995, Reston Limousine & Travel Service, Inc., a Virginia corporation trading as Reston Limousine, requests removal of the 15-passenger restriction in Certificate of Authority No. 241. Applicant also requests authority to transport baggage in the same vehicles as passengers.

Notice of this application was served on February 2, 1995, in Order No. 4490, and applicant was directed to publish further notice in a newspaper and file an affidavit of publication. Applicant complied. The application is unopposed.

SUMMARY OF EVIDENCE

The application includes information regarding, among other things, applicant's corporate status, carrier affiliations, facilities, proposed tariff, and regulatory compliance record.

Applicant proposes adding to its fleet a 25-passenger minibus. Applicant's proposed tariff contains hourly rates, with minimum charges, for service in sedans, limousines, vans and minibuses.

Applicant certifies it has access to, is familiar with, and will comply with the Compact, the Commission's rules and regulations, and United States Department of Transportation regulations relating to transportation of passengers for hire. Applicant further certifies that neither applicant nor any person controlling, controlled by, or under common control with applicant has any control relationship with a carrier other than applicant.

DISCUSSION AND CONCLUSION

Under Article XI, Section 10(b), of the Compact, the Commission may amend a certificate of authority upon application by the holder. A carrier seeking expanded operating authority must make the showing required of an applicant for a new certificate.<sup>1</sup> This requires a determination of whether the applicant is fit and whether the proposed

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<sup>1</sup> In re Samuel J. Howell, t/a Silver Star Tours, No. AP-94-59, Order No. 4502 (Feb. 23, 1995).

transportation is consistent with the public interest.<sup>2</sup> The Commission may rely on a prior finding of fitness unless sufficient evidence is presented that the prior finding is no longer valid.<sup>3</sup> Such applicant, however, still must offer current evidence of operational fitness and compliance fitness.<sup>4</sup>

Applicant was found fit to conduct irregular route operations in Order No. 4232.<sup>5</sup> There is no evidence in this record to support a contrary finding. Based on the prior finding of fitness and the record evidence summarized above, and subject to applicant's compliance with the requirements of this order, the Commission finds applicant to be fit, willing, and able to perform the proposed transportation properly and to conform with applicable regulatory requirements. The Commission further finds that the proposed transportation is consistent with the public interest.

THEREFORE, IT IS ORDERED:

1. That the application of Reston Limousine & Travel Service, Inc., trading as Reston Limousine, to amend Certificate of Authority No. 241, by deleting the 15-passenger restriction and adding authority to transport baggage in the same vehicles as passengers, is hereby conditionally granted, contingent upon timely compliance with the requirements of this order.

2. That applicant is hereby directed to file the following documents with the Commission: (a) evidence of insurance pursuant to Commission Regulation No. 58 and Order No. 4203; (b) an original and four copies of a tariff or tariffs in accordance with Commission Regulation No. 55; (c) an equipment list stating the year, make, model, serial number, vehicle number, license plate number (with jurisdiction) and seating capacity of each vehicle to be used in revenue operations; (d) evidence of ownership or a lease as required by Commission Regulation No. 62 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) a notarized affidavit of identification of vehicles pursuant to Commission Regulation No. 61, for which purpose WMATC No. 241 is hereby reassigned.

3. That upon timely compliance with the requirements of the preceding paragraph and acceptance of the documents required by the Commission, Certificate of Authority No. 241 shall be reissued to Reston Limousine & Travel Service, Inc., trading as Reston Limousine, 441-A Carlisle Drive, Herndon, VA 22070.

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<sup>2</sup> Compact, tit. II, art. XI, § 7(a).

<sup>3</sup> Order No. 4502 at 2.

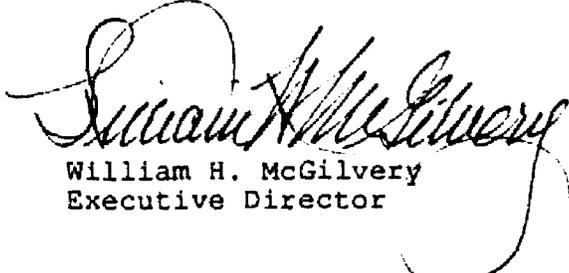
<sup>4</sup> Id.

<sup>5</sup> In re Reston Limo. & Travel Serv., Inc., t/a Reston Limo., AP-93-36, Order No. 4232 (Jan. 11, 1994).

4. That applicant may not transport passengers for hire between points in the Metropolitan District in vehicles seating more than 15 persons, including the driver, unless and until Certificate of Authority No. 241 has been reissued in accordance with the preceding paragraph.

5. That unless applicant complies with the requirements of this order within 30 days from the date of its issuance, or such additional time as the Commission may direct or allow, the approval of amendment herein shall be void and the application shall stand denied in its entirety effective upon the expiration of said compliance time.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS ALEXANDER, LIGON, AND SHANNON:



William H. McGilvery  
Executive Director