

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 4700

IN THE MATTER OF:

Served November 16, 1995

Application of HUBERT RAWLS)
NICHOLSON, Trading as HOLIDAY)
TOURS, to Amend Certificate of)
Authority No. 221)

Case No. AP-95-44

By application filed October 4, 1995, Hubert Rawls Nicholson, trading as Holiday Tours, requests removal of the 15-passenger restriction in Certificate of Authority No. 221.

Notice of this application was served on October 6, 1995, in Order No. 4676, 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, finances and regulatory compliance record.

Applicant proposes adding a 47-passenger motorcoach and charging the same per capita rates as those currently on file in applicant's General Tariff No. GT-2.

Applicant certifies he 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 show that it is fit and that the proposed transportation is consistent with the public interest.¹ The Commission may rely on a prior finding of financial

¹ In re Reston Limo. & Travel Serv., Inc., t/a Reston Limo.,
No. AP-95-05, Order No. 4541 (Mar. 24, 1995).

fitness unless sufficient evidence is presented that the prior finding is no longer valid.² Such applicant, however, still must offer current evidence of operational fitness and compliance fitness.³

Applicant was found financially fit to conduct irregular route operations in Order No. 4086.⁴ 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 to amend Certificate of Authority No. 221, by deleting the 15-passenger restriction, is hereby conditionally granted, contingent upon applicant's 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 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; (c) evidence of ownership or a lease as required by Commission Regulation No. 62 for each vehicle to be used in revenue operations; (d) 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 (e) a notarized affidavit of identification of vehicles pursuant to Commission Regulation No. 61, for which purpose WMATC No. 221 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. 221 shall be reissued to Hubert Rawls Nicholson, trading as Holiday Tours, 7308 High Bridge Road, Bowie, MD 20715.

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. 221 has been reissued in accordance with the preceding paragraph.

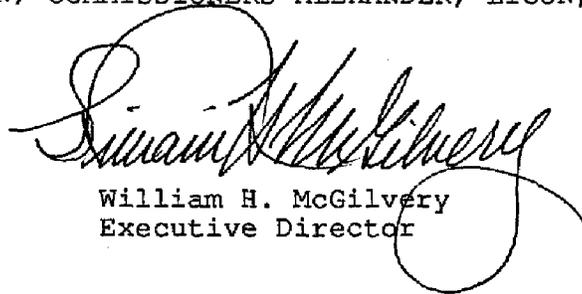
² Id.

³ Id.

⁴ In re Hubert Rawls Nicholson, t/a Holiday Tours, AP-93-06, Order No. 4086 (Apr. 20, 1993).

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