

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 5878

IN THE MATTER OF:

Served May 11, 2000

Application of DIAMOND)
TRANSPORTATION SERVICES, INC.,)
to Amend Certificate No. 122)

Case No. AP-2000-17

By application filed February 24, 2000, Diamond Transportation Services, Inc., requests removal of the 15-passenger seating capacity restriction in Certificate of Authority No. 122. The application is unopposed.

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may rely on a prior finding of financial fitness unless sufficient evidence is presented that the prior finding is no longer valid.² An applicant for expanded authority, however, must offer current evidence of operational fitness and compliance fitness.³

Applicant proposes adding one minibus and filing a new contract tariff pursuant to an agreement with the American Red Cross.

There is no evidence in the record to indicate that our prior finding of financial fitness is no longer valid.

Applicant certifies it has access to, is familiar with, and will comply with the Compact and the Commission's rules and regulations thereunder.

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.

THEREFORE, IT IS ORDERED:

1. That upon applicant's timely compliance with the requirements of this order, Certificate of Authority No. 122 shall be reissued, as amended consistent with this order, to Diamond Transportation Services, Inc., 3025 Mount Vernon Avenue, Alexandria, VA 22305.

¹ In re Priority One Servs., Inc., No. AP-96-41, Order No. 4900 (July 17, 1996).

² Id.

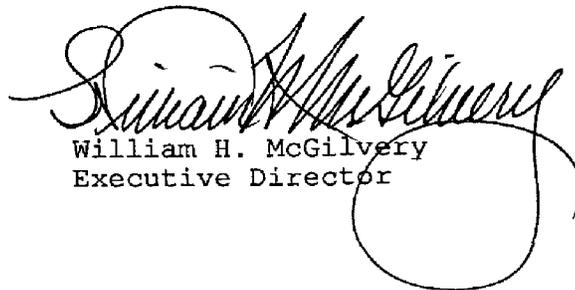
³ Id.

2. That applicant may not transport passengers for hire between points in the Metropolitan District pursuant to this order unless and until Certificate of Authority No. 122 has been reissued in accordance with the preceding paragraph.

3. That applicant is hereby directed to file the following documents within thirty days: (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) 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 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) a notarized affidavit of identification of vehicles pursuant to Commission Regulation No. 61.

4. That the approval of amendment 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 ALEXANDER, LIGON, AND MILLER:



William H. McGilvery
Executive Director