

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 7708

IN THE MATTER OF:

Served January 29, 2004

Application of CARETRANSIT)
METROPOLITANT INC for a)
Certificate of Authority --)
Irregular Route Operations)

Case No. AP-2003-146

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.

One of applicant's shareholders, Samuel Ndiyo, who also is one of applicant's directors, was granted operating authority under the trade name "Careful Sam Accounting/Tax Services" earlier this year, but the issuance of a certificate of authority was expressly made contingent on Mr. Ndiyo filing additional documents.¹ Mr. Ndiyo failed to file the necessary documents in a timely manner, thereby voiding the Commission's approval.²

The fee for this application was paid by check drawn on the bank account of Mr. Ndiyo's Careful Sam Accounting/Tax Service, which is located at the same street address as applicant.

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.

Applicant proposes commencing operations with two vans. Applicant's proposed tariff contains rates for transportation under the DC Medicaid program.

¹ See In re Samuel Ndiyo, t/a Careful Sam Acctg./Tax Servs., No. AP-02-120, Order No. 7064 (March 4, 2003) (conditionally granting certificate No. 776).

² See id. (grant of authority void upon applicant's failure to timely satisfy conditions of issuance); Commission Regulation No. 66 (failure to comply with conditions of grant within 180 days voids approval). Although a single failure to comply with the terms of a conditional grant within 180 days does not disqualify an applicant forevermore, Regulation No. 66 does provide that a third such failure shall result in the applicant being barred from reapplying for a period of one year.

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.

Applicant is admonished to keep its assets, books, finances and operations completely separate from Mr. Ndiyo's. Sharing of office space with Careful Sam Accounting/Tax Services will be allowed, but this should not be construed as permission for Mr. Ndiyo to lease, rent, or otherwise use applicant's revenue vehicles or operating authority in his capacity as a sole proprietor.³

THEREFORE, IT IS ORDERED:

1. That upon applicant's timely compliance with the requirements of this order, Certificate of Authority No. 776 shall be issued to Caretransit Metropolitan Inc, 13820 Carlene Drive, Upper Marlboro, MD 20772.

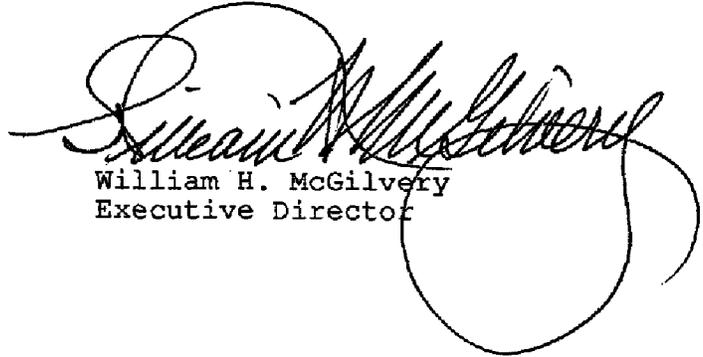
2. That applicant may not transport passengers for hire between points in the Metropolitan District pursuant to this order unless and until a certificate of authority has been issued in accordance with the preceding paragraph.

3. That applicant is hereby directed to 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 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 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) a notarized affidavit of identification of vehicles pursuant to Commission Regulation No. 61.

³ In re Ultimate Transp. Inc. & Ultimate Health Care Servs., Inc., No. AP-03-93, Order No. 7645 (Jan. 5, 2004).

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 YATES, MILLER, AND MCDONALD:



William H. McGilvery
Executive Director

