

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 7711

IN THE MATTER OF:

Served January 29, 2004

Application of TOMMY G. LOGAN, )  
JR., Trading as YES TRANSPORTATION )  
SERVICE, for a Certificate of )  
Authority -- Irregular Route )  
Operations )

Case No. AP-2003-150

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.

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 one van. Applicant's proposed tariff contains individual and group rates for transportation to and from Ronald Reagan Washington National and Washington-Dulles International Airports. In the case of transportation between those airports and the District of Columbia, fares are determined by reference to the "Taxicab Zone Map" issued by the District of Columbia Taxicab Commission, which has been filed as part of applicant's proposed tariff. The map contains rates and associated regulations for taxicab transportation between points in the District of Columbia.

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 airport transportation is consistent with the public interest and that applicant is fit, willing, and able to perform the proposed airport transportation properly, conform to the provisions of the Compact, and conform to the rules, regulations, and requirements of the Commission. The application is denied to the extent it incorporates proposed taxicab rates and regulations.

We cannot approve that part of the application proposing service based on taxicab rates.<sup>1</sup> Taxicabs and other vehicles that perform a bona fide taxicab service are exempt from certification under the Compact.<sup>2</sup> Applicant is admonished that he may neither use a taxicab in WMATC operations nor use a WMATC vehicle in taxicab operations.<sup>3</sup> Any zone map filed as part of applicant's tariff must exclude any and all references to taxicabs, particularly taxicab rates and regulations, and must be prominently displayed in conjunction with the applicable airport zone rates in all revenue vehicles operated by applicant under his WMATC certificate of authority.

THEREFORE, IT IS ORDERED:

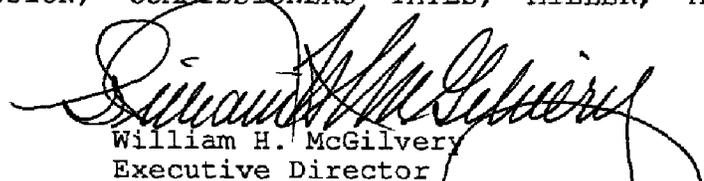
1. That upon applicant's timely compliance with the requirements of this order, Certificate of Authority No. 879 shall be issued to Tommy G. Logan, Jr., trading as Yes Transportation Service, 11431 Hawk Ridge Court, Beltsville, MD 20705-1451.

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.

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

<sup>1</sup> In re Ebelle & Bondje Co., L.L.C., t/a E & B Transco L.L.C., No. AP-02-102, Order No. 6922 (Dec. 3, 2002); In re Ellerbe Group Corp., t/a Ellerbe Corp. Transp. Serv., No. AP-96-56, Order No. 4968 (Nov. 14, 1996).

<sup>2</sup> Order No. 6922; Order No. 4968.

<sup>3</sup> Order No. 6922; Order No. 4968.