

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 8516

IN THE MATTER OF:

Served January 21, 2005

Application of MORGAN'S BUS)
TOURS INC. for a Certificate)
of Authority -- Irregular)
Route Operations)

Case No. AP-2004-171

Applicant seeks a certificate of authority to transport passengers in irregular route operations between points in the Metropolitan District. 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 four motorcoaches. Applicant's proposed tariff contains an airport transfer rate and hourly charter rates, including a special charter rate for school groups.¹

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,

¹ Under the Compact, transportation by a motor vehicle employed solely in transporting teachers and school children through grade twelve to or from public or private schools is excluded from the Commission's jurisdiction. Compact, tit. II, art. XI, § 3(d). The "employed solely" test must be met at all times, not just when the vehicle in question is being used as a school bus. In re Laidlaw Transit (Virginia) Inc., & Williams Bus Lines, Inc., No. AP-96-46, Order No. 4918 (Sept. 3, 1996). It is presumed that a carrier does not partition its fleet into exempt and non-exempt operations. Id.; In re Charles B. Mainor, t/a Mainor's Bus Serv., No. MP-98-69, Order No. 5575 (Apr. 7, 1999). This places the burden on respondent to come forward with evidence to the contrary. Order No. 5575.

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.

THEREFORE, IT IS ORDERED:

1. That upon applicant's timely compliance with the requirements of this order, Certificate of Authority No. 1030 shall be issued to Morgan's Bus Tours Inc., 8149 Penn Randall Place, 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.

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 GUNS:



William S. Morrow, Jr.
Executive Director