

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 9474

IN THE MATTER OF:

Served April 13, 2006

Application of E & D TRANSPORTATION,)
INC, for a Certificate of Authority)
-- Irregular Route Operations)

Case No. AP-2005-104

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 four vans. Applicant's proposed tariff contains rates for "Ambulatory/Taxi clients" and "Wheelchair Clients."

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 Wheelchair Client transportation is consistent with the public interest and that applicant is fit, willing, and able to perform the proposed Wheelchair Client 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 proposes taxicab service.

We cannot approve that part of the application proposing service based on taxicab rates.¹ Taxicabs and other vehicles that

¹ In re Tommy G. Logan, Jr., t/a Yes Transp. Serv., No. AP-03-150, Order No. 7711 (Jan. 29, 2004); In re Ebelle & Bondje Co. L.L.C., t/a E & B Transco

perform a bona fide taxicab service are exempt from certification under the Compact.² Applicant is admonished that he may neither use a taxicab in WMATC operations nor use a WMATC vehicle in taxicab operations.³ Applicant's tariff must exclude any and all references to "Taxi clients."

THEREFORE, IT IS ORDERED:

1. That upon applicant's timely compliance with the requirements of this order, Certificate of Authority No. 1199 shall be issued to E & D Transportation, Inc, 12047 Paper Birch Lane, Gainesville, VA 20155.

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 present its revenue vehicle(s) for inspection and 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; and (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.

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, SMITH, AND CHRISTIE:



William S. Morrow, Jr.
Executive Director

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).

² Order No. 7711; Order No. 6922; Order No. 4968.

³ Order No. 7711; Order No. 6922; Order No. 4968.