

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 16,981

IN THE MATTER OF:

Served May 2, 2017

Application of SEABURY RESOURCES ) Case No. AP-2016-152  
FOR AGING for a Certificate of )  
Authority -- Irregular Route )  
Operations )

Application of SEABURY RESOURCES ) Case No. AP-2016-200  
FOR AGING to Add Trade Name, )  
SEABURY CONNECTOR, to Certificate )  
No. 2957 )

This matter is before the Commission on applicant's request for a waiver of Commission Regulation No. 64-04, which requires that vehicles operated under WMATC authority display for-hire license plates.

The Commission conditionally granted Certificate of Authority No. 2957 to applicant on October 11, 2016, in Case No. AP-2016-152, in Order No. 16,615. Consistent with WMATC Regulation No. 64-04, the order directed applicant to produce copies of for-hire registrations for all vehicles to be operated under Certificate No. 2957.

Applicant thereafter produced a vehicle list and copies of the corresponding registrations. All but one of the vehicles on the list are registered with the District of Columbia Department of Motor vehicles in the name of the District of Columbia Office on Aging. The one vehicle not registered to the Office on Aging is registered to the District of Columbia Department of Public Works. Applicant proposes using said vehicles for the purpose of providing transportation service for elderly handicapped residents of the District pursuant to a contract with the Office on Aging. None of the registrations are marked for hire.

The Commission was presented with a similar request in the matter of *In re Ceepco Contracting, LLC*, No. AP-09-079, Order No. 12,362 (Apr. 7, 2010). The Commission waived the for-hire registration requirement as to certain vehicles in that case for the following reasons:

The record shows that applicant has complied with all of the requirements of Order No. 12,124, except the requirement that applicant file copies of the for-hire registrations for all vehicles and the requirement that applicant file leases for vehicles not registered in applicant's name.

Applicant proposes transporting passengers under a contract with the Environmental Protection Administration (EPA). Some of the vehicles applicant will be using to provide that service are being furnished by the agency, as stipulated in the contract. Applicant has not produced any registrations for these vehicles because they are owned by the federal government, and the federal government is not required to register them with any state, and the vehicles are sufficiently identified in the contract. Under the circumstances, we shall waive this condition of Order No. 12,124 with respect to the vehicles furnished by EPA.

Order No. 12,362 at 1-2.

Two years after the *Ceepco* decision, the for-hire license plate requirement was formally added to Regulation No. 64 to "enhance enforcement" of the Commission's annual vehicle safety inspection requirement.<sup>1</sup> Many states will not issue or renew for-hire plates in the absence of a current vehicle safety inspection certificate. Requiring WMATC carriers to comply with state for-hire vehicle registration laws not only shows respect for such laws, it tends to promote carrier compliance with the Commission's annual vehicle safety inspection requirement.

In this case, the vehicles at issue are owned by the District of Columbia, one of the signatories to the Compact. If the District does not believe that for-hire plates are necessary or appropriate under the facts of this case, then waiving Regulation No. 64-04 gives due respect to that decision. We will not substitute our judgment for that of the District agencies involved, in any event. The Commission has other means at its disposal to enforce the annual vehicle inspection requirement.

We therefore hereby grant to applicant a waiver of Regulation No. 64-04 with respect to vehicles owned by the District of Columbia and used by applicant with the District's permission for the purpose of fulfilling applicant's obligations under its contract with the Office of Aging.

IT IS SO ORDERED.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS HOLCOMB, DORMSJO, AND RICHARD:



William S. Morrow, Jr.  
Executive Director

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<sup>1</sup> *In re Rulemaking to Amend Reg. Nos. 51 & 64*, No. MP-12-015, Order No. 13,151 at 5 (Feb. 13, 2012).