

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 17,261

IN THE MATTER OF:

Served October 17, 2017

Application of IVY TRANSPORTATION) Case No. AP-2017-163
LLC for a Certificate of Authority)
-- Irregular Route Operations)

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.

This is the fourth application for WMATC authority associated with applicant's owner, Aviette Norris. Norris was granted operating authority in 2013, but the issuance of a certificate of authority was expressly made contingent on Norris filing additional documents and passing a vehicle inspection conducted by Commission staff.¹ Norris failed to satisfy the conditions for issuance of operating authority within the time allotted, thereby voiding the Commission's approval.² Norris also previously owned Ivy's Transportation, LLC. Ivy's was granted operating authority in 2014, but the issuance of a certificate of authority was expressly made contingent on Ivy's filing additional documents and passing a vehicle inspection conducted by Commission staff.³ Ivy's failed to satisfy the conditions for issuance of operating authority within the time allotted, thereby voiding the Commission's approval.⁴ Ivy's filed a second application and was granted operating authority again in 2015, but the issuance of a certificate of authority was expressly made contingent on Ivy's filing additional documents and passing a vehicle inspection conducted by Commission staff.⁵ Ivy's failed to satisfy the conditions for issuance

¹ See *In re Aviette Monique Norris*, No. AP-13-168, Order No. 14,039 (June 28, 2013) (conditionally granting Certificate No. 2232).

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).

³ See *In re Ivy's Transp., LLC*, No. AP-14-201, Order No. 14,956 (July 30, 2014) (conditionally granting Certificate No. 2232).

⁴ 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).

⁵ See *In re Ivy's Transp., LLC*, No. AP-15-080, Order No. 15,541 (Apr. 23, 2015) (conditionally granting Certificate No. 2232).

of operating authority within the time allotted, thereby voiding the Commission's approval for a second time.⁶

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 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.

THEREFORE, IT IS ORDERED:

1. That upon applicant's timely compliance with the requirements of this order, Certificate of Authority No. 2232 shall be issued to Ivy Transportation LLC, 1080 Mount Olivet Road, N.E., #D33, Washington, DC 20002-2238.

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 and present its revenue vehicle(s) for inspection within the 180-day maximum permitted in Commission Regulation No. 66: (a) evidence of insurance pursuant to Commission Regulation No. 58; (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

⁶ 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).

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.

FOR THE COMMISSION

A handwritten signature in black ink, appearing to read 'W. S. Morrow, Jr.', written in a cursive style.

William S. Morrow, Jr.
Executive Director