

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 17,833

IN THE MATTER OF:

Served September 27, 2018

Application of LW TRANSPORTATION) Case No. AP-2018-123
CHARTER SERVICE 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. Such applications are governed by Article XI, Section 7(a), of the Compact.

One of applicant's members, Mr. Larry Williams, is the sole owner of L.W. Transportation, Inc., WMATC Carrier No. 398. Applications for approval to control two or more WMATC carriers generally are governed by Article XII, Section 3(a), of the Compact. Mr. Williams' control of L.W. Transportation, Inc., implicates Article XII, Section 3(a), in that Mr. Williams will acquire control of another carrier that operates in the Metropolitan District upon the issuance of a WMATC certificate of authority to applicant. However, because issuance of WMATC operating authority to applicant will not in and of itself increase the share of the WMATC-regulated market controlled by Mr. Williams and because this application is unopposed, there are no "common control" issues before us to resolve under Article XII, Section 3(a), of the Compact.¹

Article XI, Section 7(a), of the Compact 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,

¹ *In re Luxury Cars DC LLC*, No. AP-18-149, Order No. 17,831 at 4 (Sept. 26, 2018).

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.

In closing, LW Transportation Charter Service LLC, is admonished to keep its WMATC assets, books, finances and operations completely separate from those of L.W. Transportation, Inc.² Sharing of office space will be allowed, but this should not be construed as permission to share revenue vehicles or operating authority.³

THEREFORE, IT IS ORDERED:

1. That upon applicant's timely compliance with the requirements of this order, Certificate of Authority No. 3223 shall be issued to LW Transportation Charter Service LLC, 41 RV Parkway, Fredricksburg, VA 22405-1340.

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 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.

² See *id.* at 4 (requiring commonly-controlled carriers to keep assets, books, finances, and operations separate).

³ *Id.* at 4.

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