

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 18,442

IN THE MATTER OF:

Served October 21, 2019

Application of J-K.A.B.S)
TRANSPORTATION LLC, Trading as) Case No. AP-2019-109
BYNUM'S TRANSPORTATION 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.

Although applicant did not originally propose operating under a trade name, by amendment filed August 9, 2019, applicant now proposes operating under the trade name "Bynum's Transportation, LLC." Under Regulation No. 54-08, a trade name application by an applicant with a principal place of business in the District of Columbia, Maryland, or Virginia may be approved if supported by proof of registration of the proposed trade name in the jurisdiction where applicant's principal place of business is located. Applicant's principal place of business is located in Caroline County, Virginia. The amendment is supported by proof of registration of the trade name with the Caroline Circuit Court.

I. FITNESS AND PROPOSED TRANSPORTATION

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, and subject to the conditions of approval herein specified, 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.

II. TRADE NAME CONDITION

The Commission may attach to the issuance of a certificate of authority, and to the exercise of the rights granted under it, any term, condition, or limitation that is consistent with the public interest.¹

Applicant's legal name, J-K.A.B.S Transportation LLC, contains a modified version of the word "cab." Taxicabs and other vehicles that perform a bona fide taxicab service are exempt from certification under the Compact.² A WMATC carrier may neither use a taxicab in WMATC operations nor use a WMATC vehicle in taxicab operations.³

We find there is a potential for confusion among the public if applicant were to use its legal name in WMATC operations. The public could wrongfully conclude that applicant offers, or is authorized to provide, taxicab service. Use of applicant's proposed trade name presents no similar concerns.

Accordingly, the issuance of a certificate of authority herein granted, and the exercise of the rights granted under said certificate, shall be conditioned on applicant refraining from using its legal name in WMATC operations.⁴ Applicant's legal name shall not appear on vehicles used in WMATC operations and shall not appear in any advertising relating to service requiring a WMATC certificate of authority. In addition, applicant shall not use any version of the terms "kab," "cab," or "taxi" when advertising or conducting transportation subject to WMATC's licensing jurisdiction.⁵

¹ Compact, tit. II, art. XI, § 7(d).

² *In re Tigist Habtewold, t/a ABMT Transp.*, No. AP-11-015, Order No. 12,721 (Feb. 9, 2011).

³ *Id.*

⁴ *See In re Glob. Cab VA, LLC, t/a Glob. Delivery*, No. AP-17-165, Order No. 17,459 (Feb. 14, 2018) (exercise of operating authority conditioned upon applicant refraining from using legal name containing the word cab in connection with operations subject to WMATC licensing jurisdiction); *cf. In re Gem Ambulance, LLC*, No. AP-13-167, Order No. 14,133 (Aug. 7, 2013) (applicant directed to propose non-ambulance trade name for use in WMATC operations to avoid confusion).

⁵ *See* Order No. 17,459 at 3 (applicant prohibited from using the terms "cab" or "taxi" when advertising or conducting transportation subject to WMATC's licensing jurisdiction).

THEREFORE, IT IS ORDERED:

1. That upon applicant's timely compliance with the requirements of this order, Certificate of Authority No. 3329 shall be issued to J-K.A.B.S Transportation LLC, trading as Bynum's Transportation, LLC, 900 Jones Drive, Ruther Glen, VA 22546-1305.

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.

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.

5. That the issuance of the certificate of authority herein granted, and the exercise of the rights granted under said certificate, are hereby conditioned on applicant refraining from using its legal name in connection with operations subject to WMATC's licensing jurisdiction.

6. That applicant shall not use any version of the terms "cab" or "taxi" when advertising or conducting transportation subject to WMATC's licensing jurisdiction.

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



Jeffrey M. Lehmann
Executive Director