

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 19,373

IN THE MATTER OF:

Served May 18, 2021

Application of DC NY TOURS LLC for)
a Certificate of Authority --)
Irregular Route Operations)

Case No. AP-2021-047

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 fifth application filed by this applicant. Applicant first applied for operating authority in August 2017, but the application was dismissed without prejudice for want of prosecution.¹ Applicant reapplied for operating authority in October 2017, but that application also was dismissed without prejudice for want of prosecution.² Applicant filed a third application and was granted operating authority in December 2017, but the issuance of a certificate of authority was expressly made contingent on applicant filing additional documents and passing a vehicle inspection conducted by Commission staff.³ Applicant failed to satisfy the conditions for issuance of operating authority within the time allotted, thereby voiding the Commission's approval.⁴

Applicant filed a fourth application and was granted operating authority again in 2019, but the issuance of a certificate of authority was expressly made contingent on applicant filing additional documents and passing a vehicle inspection conducted by Commission staff.⁵ Applicant again failed to satisfy the conditions for issuance of

¹ *In re DC NY Tours LLC*, No. AP-17-131, Order No. 17,167 (Aug. 22, 2017).

² *In re DC NY Tours LLC*, No. AP-17-166, Order No. 17,259 (Oct. 17, 2017).

³ *In re DC NY Tours LLC*, No. AP-17-225, Order No. 17,365 (Dec. 19, 2017) (conditionally granting Certificate No. 3122).

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 *In re DC NY Tours LLC*, No. AP-18-232, Order No. 18,005 (Jan. 22, 2019) (conditionally granting Certificate No. 3122).

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.

In closing, applicant is cautioned that under Regulation No. 66-01, an applicant which has three successive conditional grants voided for failure to satisfy the conditions for issuance of operating authority within 180 days shall be barred from reapplying for a period of one year as measured from the end of the third 180-day period.

THEREFORE, IT IS ORDERED:

1. That upon applicant's timely compliance with the requirements of this order, Certificate of Authority No. 3122 shall be issued to DC NY Tours LLC, 1200 South Courthouse Road, #427, Arlington, VA 22204-6262.

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

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).

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.

FOR THE COMMISSION:

A handwritten signature in blue ink, appearing to read 'Petar A. Dimtchev', with a stylized flourish at the end.

Petar A. Dimtchev
Acting Executive Director