

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 19,402

IN THE MATTER OF:

Served June 23, 2021

Application of INNOVATIVE DAY, LLC,)
for a Certificate of Authority --)
Irregular Route Operations)

Case No. AP-2021-062

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.

Applicant was granted operating authority last year, 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.¹ Applicant failed to satisfy the conditions for issuance of operating authority within the time allotted, thereby voiding the Commission's approval.²

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.

¹ See *In re Innovative Day, LLC*, No. AP-20-045, Order No. 18,768 (Apr. 10, 2020) (conditionally granting Certificate No. 3398).

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).

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.

Applicant's sole owner, David Carrington, is also the sole owner of Innovative Life Solutions, Inc., WMATC Carrier No. 986. Applicant is admonished to keep its assets, books, finances and operations completely separate from those of Innovative Life Solutions, Inc. Sharing of office space will be allowed, but this shall not be construed as permission to share revenue vehicles or operating authority.³

This uncontested application does not present any issues for consideration under the merger and acquisition standards of Article XII, Section 3, of the Compact.⁴

THEREFORE, IT IS ORDERED:

1. That upon applicant's timely compliance with the requirements of this order, Certificate of Authority No. 3398 shall be issued to Innovative Day, LLC, 6135 Kansas Avenue, N.E., Washington, DC 20011-1505.

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.

³ See *In re Arlington Nat'l Cemetery Tours, Inc*, No. AP-15-160, Order No. 15,913 at 3 (Oct. 20, 2015) (requiring commonly-controlled carriers to keep assets, books, finances, and operations separate).

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

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 that reads "Jeffrey M. Lehmann". The signature is written in a cursive style with a large, stylized initial "J".

Jeffrey M. Lehmann
Executive Director