

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 19,977

IN THE MATTER OF:

Served November 18, 2022

Application of VIP TRANSPORTATION, )  
LLC, for a Certificate of Authority )  
-- Irregular Route Operations )

Case No. AP-2022-073

This matter is before the Commission on applicant's motion requesting a waiver of Commission Regulation No. 61.

With some exceptions not applicable in this proceeding, Commission Regulation No. 61 requires each WMATC carrier to display the carrier's name or trade name and the carrier's WMATC number on both sides of each vehicle used in WMATC operations. The markings help assign responsibility, and facilitate recovery of compensation, for damage and injuries caused by carriers operating under WMATC authority.<sup>1</sup> Such markings facilitate the processing of customer complaints, as well.<sup>2</sup> The Federal Motor Carrier Safety Administration (FMCSA) has this to say on the importance of vehicle markings.

The FMCSA believes it is important that [vehicles] be properly marked before they are placed into service on the highway. Such markings will assist State officials conducting roadside inspections and accident investigations in attributing important safety data to the correct motor carrier. It will also ensure the public has an effective means to identify motor carriers operating in an unsafe manner.

65 Fed. Reg. 35287, 35288 (June 2, 2000).

These purposes must be balanced against other considerations, such as competitive harm.<sup>3</sup>

Applicant states that it transports sensitive federal government employees and cites national security risks as grounds for its waiver request. We are unpersuaded. In this proceeding, applicant has not

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<sup>1</sup> *In re Exec. Tech. Sols., LLC*, No. AP-04-084, Order No. 8779 (June 17, 2005).

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*; *In re VOCA Corp. of Wash., D.C.*, No. MP-02-030, Order No. 7258 at 5 (June 20, 2003).

filed a contract tariff containing proposed rates for service pursuant to an agreement with any U.S. government agency. Furthermore, applicant's waiver request is not supported by any evidence of security concerns from an agency of the U.S. government charged with responsibility for national security. Therefore, we find that applicant has failed to demonstrate good cause for waiving the vehicle marking requirements in Commission Regulation No. 61.<sup>4</sup>

THEREFORE, IT IS ORDERED, that applicant's motion to waive Regulation No. 61 is denied.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS RICHARD AND LOTT:



Jeffrey M. Lehmann  
Executive Director

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<sup>4</sup> See Order No. 8779 (denying request for waiver of Regulation No. 61 on national security grounds for 10-passenger van to be operated pursuant to a contract with the Department of Homeland Security, United States Citizenship and Immigration Services (ICE), where the record contained no evidence of security concerns by ICE).