

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 20,184

IN THE MATTER OF:

Served May 8, 2023

Application of QUIANA TOURS, INC.,)
for a Certificate of Authority --)
Irregular Route Operations)

Case No. AP-2023-034

Applicant seeks a certificate of authority to transport passengers in irregular route operations between points in the Metropolitan District. The application is unopposed.

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. If the applicant does not make the required showing, the application must be denied under Section 7(b).

An applicant for a certificate of authority must establish financial fitness, operational fitness, and regulatory compliance fitness.¹ A determination of compliance fitness is prospective in nature.² The purpose of the inquiry is to protect the public from those whose conduct demonstrates an unwillingness to operate in accordance with regulatory requirements.³ Past violations do not necessarily preclude a grant of authority but permit the inference that violations will continue.⁴

Applicant previously held Certificate No. 290 from January 8, 2004, until November 22, 2016, when it was revoked for applicant's failure to comply with Article XI, Section 5, of the Compact and Order No. 16,538.⁵

The revocation order, Order No. 16,697, gave applicant 30 days to: (1) remove from its vehicles the identification markings placed thereon pursuant to Commission Regulation No. 61; (2) file a notarized

¹ *In re Haymarket Transp., Inc.*, No. AP-08-043, Order No. 11,695 (Nov. 19, 2008).

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ *See In re Quiana Tours, Inc.*, No. MP-16-140, Order No. 16,697 (Nov. 22, 2016).

affidavit and supporting photographs with the Commission verifying removal; and (3) surrender Certificate No. 290 to the Commission. Applicant has yet to comply.

Until such time as applicant complies with the requirements of Order No. 16,697, we cannot say that applicant has demonstrated prospective compliance fitness.

THEREFORE, IT IS ORDERED that the application of Quiana Tours, Inc., for a certificate of authority, irregular route operations, is hereby denied without prejudice.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS RICHARD AND LOTT:

A handwritten signature in blue ink, reading "Jeffrey M. Lehmann". The signature is fluid and cursive, with the first name "Jeffrey" being the most prominent.

Jeffrey M. Lehmann
Executive Director