

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 20,248

IN THE MATTER OF:

Served June 22, 2023

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

Case No. AP-2023-124

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 sixth application filed by this applicant. Applicant applied for operating authority in July 2017 and again in September 2017, but the applications were dismissed without prejudice for want of prosecution.¹ Applicant's next three applications were approved in 2017, 2019, and 2021, respectively, but in each case, 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.² Each time applicant failed to satisfy the conditions for issuance of operating authority within the time allotted, thereby voiding the Commission's approval.³

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

¹ *In re DC NY Tours LLC*, No. AP-17-131, Order No. 17,167 (Aug. 22, 2017); *In re DC NY Tours LLC*, No. AP-17-166, Order No. 17,259 (Oct. 17, 2017).

² *In re DC NY Tours LLC*, No. AP-17-225, Order No. 17,365 (Dec. 19, 2017) (conditionally granting Certificate No. 3122); *In re DC NY Tours LLC*, No. AP-18-232, Order No. 18,005 (Jan. 22, 2019) (same); *In re DC NY Tours LLC*, No. AP-21-047, Order No. 19,373 (May 18, 2021) (same).

³ See Order Nos. 17,365, 18,005, & 19,373 (grant of authority void upon applicant's failure to timely satisfy conditions of issuance); Commission Regulation No. 66-01 (failure to comply with conditions of grant within 180 days voids approval).

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, we note that in the event applicant fails to successfully obtain a certificate of authority in this proceeding for failure to timely satisfy the conditions stipulated in this order, the three-strike rule in Regulation No. 66-01 will bar applicant from reapplying for WMATC operating authority for a period of one year as measured from the end of the 180-day compliance period associated with this application.⁴

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 S. 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 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 See *In re Symbal Found. for Cmty. Servs. Inc*, No. AP-16-104, Order No. 16,459 (July 8, 2016) (1-year bar in Regulation No. 66-01 applies again after a fourth voided conditional grant of authority).

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, reading "Jeffrey M. Lehmann". The signature is written in a cursive style with a prominent initial "J" and a long, sweeping underline.

Jeffrey M. Lehmann
Executive Director