

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 3729

IN THE MATTER OF:

Served May 3, 1991

Issuance of Certificate of)
Authority No. 62 to BATTLE'S)
TRANSPORTATION, INC.)

Case No. MP-91-02

Battle's Transportation, Inc., holds Certificate of Public Convenience and Necessity No. 62, issued pursuant to the Compact 1/, Title II, Article XII, Section 4. On February 1, 1991, an amended Compact 2/ became effective. The amended Compact, Title II, Article XI, Section 6 provides:

"6. (a) A person may not engage in transportation subject to this Act unless there is in force a 'Certificate of Authority' issued by the Commission authorizing the person to engage in that transportation.

"(b) On the effective date of this Act a person engaged in transportation subject to this Act under an existing 'Certificate of Public Convenience and Necessity' or order issued by the Commission shall be issued a new 'Certificate of Authority' within 120 days after the effective date of this amendment.

"(c)(i) Pending issuance of the new Certificate of Authority, the continuance of operations shall be permitted under an existing certificate or order issued by the Commission which will continue in effect on the effective date of this Act.

"(ii) The operations described in paragraph (i) of this subsection shall be performed according to the rates, regulations, and practices of the certificate holder on file with the Commission on the effective date of this Act.

The amended Compact, Title II, Article XI, Section 9(b) provides:

A certificate issued by the Commission authorizing irregular-route service shall be coextensive with the Metropolitan District.

1/ Public Law 86-794, 74 Stat. 1031, as amended by Public Law 87-767, 76 Stat. 764.

2/ Id. as amended by Public Law 101-505, 104 Stat. 1300.

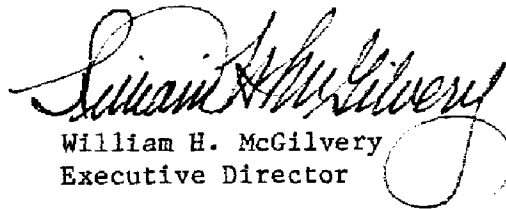
Certificate of Public Convenience and Necessity No. 62 issued to Battle's Transportation, Inc., authorizes only irregular route transportation. Accordingly, Battle's Transportation, Inc., is entitled to be issued a Certificate of Authority authorizing irregular route transportation coextensive with the Commission's jurisdiction in the Washington Metropolitan Area Transit District. Certificate of Authority No. 62 supersedes Certificate of Public Convenience and Necessity No. 62.

Evidence of insurance on file with the Commission covering the operations of Battle's Transportation, Inc., shows coverage only in the amount required for vehicles with a manufacturer's designed seating capacity of 15 persons or fewer, including the driver. Therefore, Certificate of Authority No. 62 will be so restricted. Such restriction is without prejudice to the right of Battle's Transportation, Inc., to file an appropriate application to have the restriction removed upon the filing of proper evidence of insurance covering the operation of larger vehicles.

THEREFORE, IT IS ORDERED:

1. That Certificate of Authority No. 62 is hereby issued to Battle's Transportation, Inc., as appended to this order.
2. That Certificate of Authority No. 62 encompasses and supersedes Certificate of Public Convenience and Necessity No. 62.
3. That Certificate of Authority No. 62 is effective immediately.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS WORTHY, SCHIFTER, AND SHANNON:


William H. McGilvery
Executive Director

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

CERTIFICATE OF AUTHORITY

NO. 62

Battle's Transportation, Inc.
2800-1/2 Sherman Avenue, N.W.
Washington, DC 20001

By Order Nos. 2065, 2514, 2722, and 3729 of the Washington Metropolitan Area Transit Commission issued December 5, 1979; December 23, 1983; June 20, 1985; and May 3, 1991;

WHEREAS, the above-named carrier is entitled to receive authority to transport passengers within the Washington Metropolitan Area Transit District;

THIS CERTIFICATE OF AUTHORITY is hereby issued to the said carrier as evidence of the authority to engage in the for-hire transportation of passengers by motor vehicle; subject, however, to such terms conditions and limitations as are now, or may hereafter be, attached to the exercise of the privilege granted to the said carrier:

IRREGULAR ROUTES, transporting passengers between points in the Washington Metropolitan Area Transit District;

RESTRICTED TO (1) operations conducted according to the said carrier's applicable tariff on file with the Commission and (2) transportation in vehicles with a manufacturer's designed seating capacity of 15 or fewer persons, including the driver;

RESTRICTED AGAINST (1) transportation solely within the Commonwealth of Virginia and (2) any passenger transportation for hire on an individual fare paying basis in competition with any existing, scheduled, regular-route, passenger transportation service performed by, or under a contract with, the Federal Government, a signatory to the Compact, a political subdivision of a signatory, or the Washington Metropolitan Area Transit Authority.

THIS CERTIFICATE OF AUTHORITY DOES NOT AUTHORIZE ANY TRANSPORTATION BY ANY PERSON OTHER THAN THE CARRIER NAMED HEREON.

THIS CERTIFICATE OF AUTHORITY IS NOT VALID UNLESS THE CARRIER NAMED HEREON IS IN COMPLIANCE WITH THE INSURANCE REQUIREMENTS OF THE COMMISSION.

CERTIFICATE OF AUTHORITY NO. 62
Battle's Transportation, Inc.
Page Two

IT IS A FURTHER CONDITION of this certificate of authority that the carrier named hereon shall (a) provide safe and adequate transportation service, equipment, and facilities; and (b) observe and enforce Commission regulations.