
Washington Metropolitan Area Transit Commission

Jurisdiction: Frequently Asked Questions (FAQs)

This information was prepared by staff to answer commonly asked questions about WMATC jurisdiction. It is not intended to cover specific circumstances, nor is it binding on the Commission.

Q. Does my company need a WMATC Certificate of Authority?

A. Subject to several exceptions described below, a carrier must hold a WMATC Certificate of Authority to transport passengers for hire between points within the Metropolitan District. The Metropolitan District corresponds to the Washington Metropolitan Area. Specifically, it includes the District of Columbia, the Cities of Alexandria and Falls Church, Arlington County, Fairfax County, Montgomery County, Prince George's County, Dulles International Airport, and any political subdivisions located within those areas.

Q. What is transportation for hire?

A. Transportation for hire means transportation provided in exchange for money or other compensation. Transportation is for hire, even if it is furnished as part of an agreement to provide other services, as well.

Q. Are there any exemptions of which I should be aware?

A. The following types of for hire passenger transportation are exempt from WMATC jurisdiction: 1) by water, air, or rail; 2) performed by the federal government, Maryland, Virginia, the District of Columbia, or a political subdivision thereof; 3) performed by WMATA; 4) in a motor vehicle employed solely in transporting teachers and children to or from schools through grade 12; and 5) intrastate transportation performed solely between points within the Commonwealth of Virginia. In addition, WMATC does not assert jurisdiction over transportation in pedicabs without mechanical power, horse-drawn carriages, or movement of passengers as a mere adjunct to emergency medical diagnosis or treatment (ambulance service).

There is also a partial exemption for taxicabs and other vehicles performing a bona fide taxicab service. To qualify, the vehicle must have a seating capacity of 9 or fewer persons. (see next page)

Q. What if a carrier performs both exempt and non-exempt transportation?

A. A carrier that performs any non-exempt transportation must hold a WMATC Certificate of Authority, even if it primarily provides exempt transportation. WMATC presumes that a carrier does not partition its fleet into exempt and non-exempt operations. Unless a carrier produces evidence that its fleet has been partitioned, all transportation is subject to WMATC oversight.

Q. What are some examples of trips requiring a WMATC Certificate of Authority?

A. A trip falls within WMATC's geographic jurisdiction if both the trip origin and destination are in the Metropolitan District. For example, a trip from a point in the District of Columbia to another point in the District of Columbia requires a WMATC Certificate because both points are within the Metropolitan District. Similarly, a trip from Montgomery County to: 1) another point in Montgomery County; 2) the District of Columbia; or 3) any other point within the Metropolitan District requires a WMATC Certificate. A trip between Arlington County and points in the District of Columbia, Prince George's County, or Montgomery County requires a WMATC Certificate. However, a trip from Arlington County to Dulles Airport does not require a WMATC Certificate, even though it is between points within the Metropolitan District, due to an exemption in the Compact for intrastate transportation within Virginia.

Q. What if a trip started outside the Metropolitan District?

A. A chartered trip from a point outside the Metropolitan District to a point inside the Metropolitan District does not fall within WMATC jurisdiction. This is true even if trips are made between points within the Metropolitan District during a scheduled layover, provided no new passengers join the chartered party that did not originally embark at the point of origin outside the Metropolitan District.

EXEMPTION FOR TAXICABS AND BONA FIDE TAXICAB SERVICE

Q. What is the partial exemption for taxicabs and other vehicles that perform a bona fide taxicab service?

- A. A carrier does not need a WMATC Certificate of Authority to provide transportation in taxicabs or other vehicles that perform a bona fide taxicab service. However, WMATC retains jurisdiction to set and enforce the rates, charges, regulations, and minimum insurance requirements for these types of vehicles when performing interstate trips within the Metropolitan District.

Q. What is a taxicab for purposes of the partial exemption?

- A. The term taxicab is defined in the Compact as “a motor vehicle for hire (other than a vehicle operated under a Certificate of Authority issued by the Commission) having a seating capacity of 9 persons or less, including the driver, used to accept or solicit passengers along the public streets for transportation.”

Q. What is bona fide taxicab service for purposes of the partial exemption?

- A. There are two tests for determining whether transportation falls within the bona fide taxicab service partial exemption. Service that meets the criteria of either test falls within the exemption.

Test 1:

Transportation in vehicles seating 9 or fewer persons (including the driver) without for-hire license plates qualifies as bona fide taxicab service when performed in affiliation with a transportation network company, such as Uber or Lyft, that is duly authorized by Maryland, Virginia, or the District of Columbia. To qualify, the transportation service must be provided by an operator registered in an authorized transportation network company’s network. Transportation service arranged through an app does not qualify for the exemption under this test if it is merely brokered by an app provider.

Test 2:

Transportation also qualifies as bona fide taxicab service if it is: 1) conducted in a vehicle seating 9 or fewer persons (including the driver); 2) transportation intended in good faith to be provided only between points selected at will by the person or persons hiring the vehicle; 3) conducted in a vehicle subject to the exclusive use of the party of passengers hiring the vehicle for the entire time such vehicle is under hire; 4) priced at rates based on the duration and/or distance of the transportation rendered; and 5) conducted in a vehicle engaged solely in performing transportation as described in items 2-4.

Q. What are prices based on duration and/or distance?

- A. When applying the second test to determine whether transportation qualifies for the bona fide taxicab service partial exemption, WMATC has determined that flat fares to specific destinations are not duration and/or distance based. When flat fares are charged, the risk of unforeseen delays and deviations does not fall on those who hire the vehicle. WMATC has also determined that daily and weekly rates do not qualify as duration and/or distance based under this test because such rate structures do not involve the “more immediate travel requirements” connoted by taxicab service. Hourly rates are considered duration and/or distance based.

Q. What are the insurance requirements on interstate bona fide taxicab service trips within the Metropolitan District?

- A. WMATC currently sets the minimum insurance requirements on interstate bona fide taxicab service trips within the Metropolitan District to match those prescribed by the licensing authority of the operator. Providers of bona fide taxicab service that are authorized by more than one member jurisdiction must meet the insurance requirements of each of those jurisdictions.

- Q. What are the rate requirements on interstate bona fide taxicab service trips within the Metropolitan District?**
- A. WMATC sets the rates on interstate bona fide taxicab service trips to match the rates, if any, prescribed by or on file with the operator's licensing authority. In some cases, the licensing authority may allow operators to select their own rates but require that those rates be filed at the licensing authority. In other cases, a licensing authority may not impose any restrictions on the rates that the operator may agree to charge for transportation.
- Q. What are the insurance and rate requirements on interstate taxicab trips within the Metropolitan District?**
- A. WMATC currently sets the minimum insurance requirements and rates and charges on interstate taxicab trips to match those set by the licensing authority of the taxicab. However, WMATC directly sets the interstate rates and charges for Washington Flyer taxicabs operating out of Dulles Airport, because no other rates or charges are specified by the licensing authority.

OTHER JURISDICTIONS

- Q. My company holds a WMATC Certificate of Authority. Does it also need federal or state passenger carrier authority?**
- A. Check with the agencies that regulate transportation in the other jurisdictions in which you plan to operate. Depending on the geographic area where trips are performed and the types of vehicles in use, some WMATC carriers may also need passenger carrier authority from the [U.S. Department of Transportation](#), the [Maryland Public Service Commission](#), or the [Virginia Department of Motor Vehicles](#).
- Q. My driver received a ticket even though my company has WMATC authority. Is this allowed?**
- A. Carriers holding a WMATC Certificate of Authority must also comply with local vehicle registration laws and driver licensing laws. Some local jurisdictions require a specific type of vehicle registration when operating for hire between points in that jurisdiction and collect fees for its issuance. Furthermore, some local jurisdictions require that drivers hold a for hire driver's license, or face card, to perform for hire transportation within that jurisdiction. Vehicle registration and driver licensing requirements are not suspended by the Compact when they do not impose rate structures or regulate market entry. Carriers that receive citations from local authorities while performing transportation under a WMATC Certificate of Authority may challenge their tickets in the jurisdiction where the citation was issued.