

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 11,446

IN THE MATTER OF:

Served July 1, 2008

Application of SMART RIDE, INC.,)
for a Certificate of Authority --)
Irregular Route Operations)

Case No. AP-2008-081

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.

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 proposes commencing operations with one sedan, one SUV, and five vans. Applicant proposes operating under a tariff containing rates for mileage and/or hourly priced transportation, airport shuttle rates, rates for private pay ambulatory/wheelchair transportation, and rates for transportation under contracts with private entities.

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 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.

Normally, such evidence would establish applicant's fitness,¹ but in this case, applicant has a history of regulatory violations. When an applicant has a record of violations, the Commission considers the following factors in assessing the likelihood of future

¹ *In re Dan Allen, t/a Allen Limo Serv.*, No. AP-08-012, Order No. 11,412 (June 13, 2008); *In re EMK Servs., Inc.*, No. AP-05-168, Order No. 9391 (Mar. 16, 2006); *In re VGA, Inc.*, No. AP-03-73, Order No. 7496 (Oct. 29, 2003).

compliance: (1) the nature and extent of the violations, (2) any mitigating circumstances, (3) whether the violations were flagrant and persistent, (4) whether applicant has made sincere efforts to correct its past mistakes, and (5) whether applicant has demonstrated a willingness and ability to comport with the Compact and rules and regulations thereunder in the future.²

Applicant previously held Certificate No. 1102 from May 19, 2006, until December 13, 2007, when it was revoked for applicant's failure to pay a \$50 late fee assessed under Regulation No. 67-03(c).³ Applicant subsequently paid the \$50 late fee and has complied with the revocation order, including accounting for the markings on its vehicles and verifying cessation of operations. The Commission has found other applicants fit under similar circumstances.⁴ Applicant, however, shall serve a one year period of probation as a means of ensuring prospective compliance.⁵

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.

THEREFORE, IT IS ORDERED:

1. That upon applicant's timely compliance with the requirements of this order, Certificate of Authority No. 1102 shall be reissued to Smart Ride, Inc., 120 Dares Beach Road, Prince Frederick, MD 20678.

2. That applicant may not transport passengers for hire between points in the Metropolitan District pursuant to this order unless and until Certificate No. 1102 has been reissued in accordance with the preceding paragraph.

3. That applicant is hereby directed to present its revenue vehicle(s) for inspection and file the following documents 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

² Order No. 11,412; Order No. 9391; Order No. 7496.

³ *In re Smart Ride, Inc.*, No. MP-07-216, Order No. 10,993 (Dec. 13, 2007).

⁴ See *In re Henka Int'l, Inc., t/a Worldwide Tours & Travel*, No. AP-03-184, Order No. 8035 (May 27, 2004) (no evidence of post-suspension operations and satisfactory accounting for vehicles and vehicle markings); *In re Jet Tours USA, Inc.*, No. AP-02-133, Order No. 7078 (Mar. 6, 2003) (same).

⁵ See Order No. 11,412 (same); Order No. 8035 (same).

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. That applicant shall be placed on probation for a period of one year commencing with the issuance of a certificate of authority in accordance with the terms of this order and that a willful violation of the Compact, or of the Commission's rules, regulations or orders thereunder, by applicant during the period of probation shall constitute grounds for immediate suspension and/or revocation of applicant's operating authority without further proceedings, regardless of the nature and severity of the violation.

5. 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.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS YATES AND CHRISTIE:



William S. Morrow, Jr.
Executive Director