

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 11,820

IN THE MATTER OF:

Served January 26, 2009

Application of RELIABLE MEDICAL) Case No. AP-2008-180
TRANSPORT, LLC., for a Certificate)
of Authority -- Irregular Route)
Operations)

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 van. Applicant proposes operating under a tariff containing rates for private pay ambulatory/wheelchair transportation.

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's president has a history of regulatory violations. Applicant's president, Masilamony Pauliah, previously held WMATC Certificate No. 892 from September 15, 2004, until April 6,

¹ In re Henka Int'l, Inc., t/a Worldwide Tours & Travel, No. AP-03-184, Order No. 8035 (May 27, 2004).

2006, when it was revoked in Order No. 9461 for willful failure to comply with the Commission's insurance requirements.²

When a person controlling an applicant has a record of violations, or a history of controlling companies with such a record, the Commission considers the following factors in assessing the likelihood of applicant's future compliance: (1) the nature and extent of the violations, (2) any mitigating circumstances, (3) whether the violations were flagrant and persistent, (4) whether the controlling party has made sincere efforts to correct past mistakes, and (5) whether the controlling party has demonstrated a willingness and ability to comport with the Compact and rules and regulations thereunder in the future.³

Applicant applied for operating authority last year, but the application was denied without prejudice for failure to establish regulatory compliance fitness.⁴ Applicant's president had yet to comply with the requirements of Order No. 9461. Applicant's president subsequently complied.

In support of the current application, applicant's president states: "No passenger carrier operations were conducted on and after September 26, 2005, [the date Certificate No. 892 was suspended], in the Washington metropolitan area transit district." There is no evidence in the record to the contrary. The Commission has found other applicants fit under similar circumstances.⁵ Applicant, however, shall serve a one year period of probation as a means of ensuring prospective compliance.⁶

Based on the evidence in this record, and in light of the one-year period of probation imposed herein, 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. 892 shall be reissued to Reliable Medical Transport, LLC., 3537 Spencerville Road, Burtonsville, MD 20866.

² *In re Masilamony Pauliah, t/a Reliable Medical Transport*, No. MP-05-114, Order No. 9461 (Apr. 6, 2006)

³ Order No. 8035.

⁴ *In re Reliable Medical Transport, LLC*, No. AP-08-098, Order No. 11,696 (Nov. 19, 2008).

⁵ See *In re Business Logistics Group, L.L.C., t/a ATS, L.L.C.*, No. AP-06-002, Order No. 9652 (June 15, 2006) (verification of no post-suspension operations and payment of outstanding fees and forfeitures); Order No. 8035 (no evidence of post-suspension operations and satisfactory accounting for vehicles and vehicle markings).

⁶ See Order No. 9652 (same); Order No. 8035 (same).

2. That applicant may not transport passengers for hire between points in the Metropolitan District pursuant to this order unless and until Certificate No. 892 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 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 reissuance of Certificate No. 892 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 or its members 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 CHRISTIE AND BRENNER:



William S. Morrow, Jr.
Executive Director