

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 12,300

IN THE MATTER OF:

Served February 2, 2010

INDIVIDUAL DEVELOPMENT, INC., WMATC)
No. 324, Investigation of Violation)
of Regulation No. 61 and Operation)
of Unsafe Vehicles)

Case No. MP-2010-007

This matter is before the Commission on respondent's failure to submit documents and present vehicles for inspection.

I. BACKGROUND

On December 14, 2009, a Commission staff member observed two of respondent's vehicles operating in the Metropolitan District. Neither vehicle displayed respondent's name or WMATC approved trade name as required by Commission Regulation No. 61.

On December 15, 2009, staff wrote to respondent requesting that respondent submit a list of its current vehicles on or before January 5, 2010, and that respondent present its vehicles for inspection on or before January 19, 2010. Staff also requested that respondent produce copies of any and all safety inspection certificates for vehicles not displaying a safety inspection sticker. Respondent has yet to respond.

II. VEHICLE MARKING AND SAFETY REQUIREMENTS

Title II of the Washington Metropolitan Area Transit Regulation Compact, Article XI, Section 5(a),¹ states that "Each authorized carrier shall provide safe and adequate transportation service, equipment, and facilities." Local motor vehicle laws require a safety inspection as part of the for-hire vehicle registration and registration renewal process.² Operation of a vehicle with an expired, invalid or missing safety inspection sticker violates Article XI, Section 5(a).³ Such a vehicle is presumptively unsafe.⁴

¹ Washington Metropolitan Area Transit Regulation Compact, Pub. L. No. 101-505, § 1, 104 Stat. 1300, 1305 (1990).

² See e.g., www.marylandmva.com/AboutMVA/INFO/27300/27300-26T.htm; 18 DCMR 413.10, 421.2.

³ *In re VOCA Corp. of Wash., D.C.*, No. MP-02-30, Order No. 7258 at 2 (June 20, 2003); *In re Junior's Enterprises, Inc.*, No. MP-01-103, Order No. 6549 (Feb. 21, 2002); *In re Safe Transp., Inc.*, No. MP-96-15, Order No. 4849 (May 17, 1996).

⁴ Order No. 7258; Order No. 6549; Order No. 4849.

Regulation No. 61-01 states that the following information must appear on both sides of each vehicle used to transport passengers under WMATC authority:

(a) the carrier's legal name or trade name appearing on the carrier's certificate of authority, or otherwise approved by the Commission for use in the Metropolitan District, preceded by the phrase "Operated By" if some other name also appears on the vehicle; and

(b) "WMATC" followed by either the carrier's certificate of authority number or, if applicable, the carrier's temporary authority or approval number.

"The markings required by Regulation No. 61 help assign responsibility, and facilitate recovery of compensation, for damage and injuries caused by carriers operating under WMATC authority."⁵

III. INITIATION OF INVESTIGATION

The Commission may investigate a carrier to determine whether that carrier has violated the Compact.⁶ The Commission may require the production of books, papers, correspondence, memoranda, contracts, agreements, or other records or evidence which the Commission considers relevant to the inquiry.⁷ The Commission shall have access at all times to the accounts, records, memoranda, lands, buildings, and equipment of any carrier for inspection purposes.⁸

The Commission will initiate an investigation to determine whether respondent's vehicles are in violation of Regulation No. 61 and Article XI, Section 5(a), of the Compact.

THEREFORE, IT IS ORDERED:

1. That an investigation of respondent's operations in the Washington Metropolitan Area Transit District is hereby initiated under Article XIII, Section 1, of the Compact.

2. That respondent is hereby directed to submit a list of its current vehicles, and copies of the registration cards and safety inspection certificates for those vehicles, within 15 days.

3. That respondent is hereby directed to present all of its vehicles for inspection by Commission staff within 30 days.

⁵ *In re Escort Limo. Serv., Inc.*, No. AP-03-48, Order No. 7512 (Nov. 5, 2003); *In re Prime Transp. Servs., Inc.*, No. AP-02-92, Order No. 7511 (Nov. 5, 2003).

⁶ Compact, tit. II, art. XIII, § 1(c).

² Compact, tit. II, art. XIII, § 1(e).

⁸ Compact, tit. II, art. XII, § 1(b).

4. That respondent shall remove from service any and all vehicles that do not pass inspection by Commission staff within 30 days from the date of this order.

5. That Certificate of Authority No. 324 shall stand suspended and be subject to revocation upon respondent's failure to timely comply with the requirements of this order.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS BRENNER AND CHRISTIE:

A handwritten signature in black ink, appearing to read 'W. S. Morrow, Jr.', is positioned above the typed name.

William S. Morrow, Jr.
Executive Director