

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 12,328

IN THE MATTER OF:

Served March 5, 2010

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

Case No. MP-2010-007

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, 2010.¹ Respondent did not respond, and the Commission initiated this investigation in Order No. 12,300, served February 2, 2010. The order noted the failure of two of respondent's vehicles to display respondent's name and directed respondent to present all of its vehicles for inspection by Commission staff.

In response, respondent has produced a Commission letter dated February 1, 1996, granting respondent a partial vehicle marking waiver. The letter states that respondent's WMATC number must be displayed on respondent's vehicles but not respondent's name. According to Commission records, the request for waiver was predicated on the following statement from respondent's then Acting Administrator, Hobart Goins. At the time, respondent was known as We Care Project Inc.

We Cares' facilities are located in residential neighborhoods where it is not typical to have one's name on the outside of one's vehicle, whether it's a car or van. Our Vans are for the use of that facility only, to transport those residents to and from their destinations. Any names or numbers on the vehicle would stigmatize the facility and the residents.²

¹ Staff also requested that respondent produce copies of any and all safety inspection certificates for vehicles not displaying a safety inspection sticker.

² See *In re We Care Project Inc.*, No. AP-95-45, motion filed January 23, 1996.

The partial waiver was confirmed by Commission order in October 1996 when the Commission granted permission to VOCA Corporation of Washington, D.C., then WMATC Carrier No. 342, to manage respondent's operations.³

VOCA obtained a similar partial waiver for its own residential facility vans in July 1996 based on the same stigmatization argument. The Commission revoked VOCA's partial waiver in 2003.⁴ The Commission noted that since granting the partial waiver to VOCA in 1996, the Commission had "issued operating authority to numerous other carriers that provide identical service under the same conditions as [VOCA] but without any waiver of Regulation No. 61." Those carriers had "not complained of any stigmatization." The Commission further observed that:

The real issue here is whether adding "VOCA Corporation of Washington, D.C." would impart a stigmatizing effect not conveyed by respondent's WMATC number. The display of respondent's legal name certainly would be more visible than just the WMATC number, and thus might attract more attention, but respondent could permissibly minimize the visual impact by registering VOCA as a trade name and displaying that name alone in close proximity to the WMATC number already in place. We do not see what negative connotation could be derived from such a nondescript name.

The Commission received no stigmatization complaints after revoking VOCA's partial waiver in 2003. Like VOCA, respondent is free to adopt a short trade name for display on its WMATC vehicles to minimize the visual impact. We will therefore give respondent 30 days to show cause why respondent should not be required to comply with Commission regulations to the same extent as other carriers in respondent's class.

THEREFORE, IT IS ORDERED: That within 30 days of the date of this order, respondent shall show cause why the partial vehicle marking waiver granted on February 1, 1996, should not be revoked.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS BRENNER AND CHRISTIE:



William S. Morrow, Jr.

³ *In re We Care Project Inc. & VOCA Corp. of Wash., D.C.*, No. AP-96-47 (Oct. 24, 1996) (directing We Care's vehicles to "display WMATC No. 324 only).

⁴ VOCA ceased operating in 2006. See *In re VOCA Corp. of Wash., D.C.*, No. AP-06-054, Order No. 9454 (Apr. 5, 2006) (terminating authority).

Executive Director