

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 12,913

IN THE MATTER OF:

Served July 12, 2011

Investigation of Violation of)
Commission Regulation No. 63-04 by)
AMERICA TRANSPORTATION)
SERVICES, INC.)

Case No. MP-2011-066

This investigation is being initiated to address an apparent violation of Commission Regulation No. 63-04 governing passenger carrier advertising in the Washington Metropolitan Area Transit District, (Metropolitan District).

I. VIOLATION OF REGULATION NO. 63-04

Article XI, Section 1, of the Washington Metropolitan Area Transit Regulation Compact,¹ (Compact), provides that: "This Act shall apply to the transportation for hire by any carrier of persons between any points in the Metropolitan District." Article XI, Section 6(a), of the Compact provides that: "A person may not engage in transportation subject to this Act unless there is in force a 'Certificate of Authority' issued by the Commission [or WMATC] authorizing the person to engage in that transportation." Regulation No. 63-04 provides that no carrier "regulated by the Commission or subject to such regulation shall advertise or hold itself out to perform transportation or transportation-related services within the Metropolitan District unless such transportation or transportation-related services are authorized by the Commission."

The Website www.americatransportation.com advertises passenger transportation service "throughout Washington DC, Virginia and Maryland" "in the Washington DC Metropolitan area." Documents filed in WMATC Case No. AP-2010-138 identify this Website as the Website of America Transportation Services, Inc. The advertised service includes shuttle service to and from Union Station, Washington Dulles International Airport, and Ronald Reagan National Airport, as well as "Sightseeing Tours of Washington DC", in vehicles seating 14, 18, 20, 25, 26, 32, 40, 44, and 56 passengers. Such service requires a WMATC certificate of authority. America Transportation Services, Inc., does not hold such authority. It thus appears that America Transportation Services, Inc., is violating WMATC Regulation No. 63-04.

II. AUTHORITY TO INVESTIGATE AND SANCTION VIOLATIONS

The Commission may investigate on its own motion a fact, condition, practice, or matter to determine whether a person has

¹ Pub. L. No. 101-505, § 1, 104 Stat. 1300 (1990), amended by Pub. L. No. 111-160, 124 Stat. 1124 (2010) (amending tit. I, art. III).

violated or will violate a provision of the Compact or a rule, regulation, or order.²

If the Commission finds that a respondent has violated a provision of the Compact or any requirement established under it, the Commission shall issue an order compelling compliance and effecting other just and reasonable relief.³

A person who knowingly and willfully violates a provision of the Compact, or a rule, regulation, requirement, or order issued under it, or a term or condition of a certificate shall be subject to a civil forfeiture of not more than \$1,000 for the first violation and not more than \$5,000 for any subsequent violation.⁴

III. ORDER TO DESIST AND SHOW CAUSE

Respondent shall immediately cease violating Regulation No. 63-04. Respondent shall have 30 days to show cause why the Commission should not assess a civil forfeiture. Respondent shall have 15 days to request an oral hearing.

THEREFORE, IT IS ORDERED:

1. That an investigation of respondent's advertising of passenger carrier service 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 cease and desist from advertising passenger carrier service requiring a WMATC certificate of authority, unless and until otherwise ordered by the Commission.

3. That respondent shall have thirty days to show cause why the Commission should not assess a civil forfeiture against respondent for knowingly and willfully violating Regulation No. 63-04.

4. That respondent may submit within 15 days from the date of this order a written request for oral hearing, specifying the grounds for the request, describing the evidence to be adduced and explaining why such evidence cannot be adduced without an oral hearing.

FOR THE COMMISSION:



William S. Morrow, Jr.
Executive Director

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

³ Compact, tit. II, art. XIII, § 1(d).

⁴ Compact, tit. II, art. XIII, § 6(f).