

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 13,016

IN THE MATTER OF:

Served October 12, 2011

NATIONAL CHILDREN'S CENTER, INC.,)
WMATC No. 189, Investigation of)
Violation of Commission Regulation)
No. 61)

Case No. MP-2011-089

The Washington Metropolitan Area Transit Regulation Compact,¹ (Compact), applies to: "the transportation for hire by any carrier of persons between any points in the Metropolitan District."² A person may not engage in transportation subject to the Compact unless there is in force a Certificate of Authority issued by the Washington Metropolitan Area Transit Commission (WMATC) authorizing the person to engage in that transportation.³ "A person other than the person to whom an operating authority is issued by the Commission may not lease, rent, or otherwise use that operating authority."⁴ "Each authorized carrier shall: (a) provide safe and adequate transportation service, equipment, and facilities; and (b) observe and enforce Commission regulations established under [the Compact]."⁵

The Commission may investigate on its own motion a fact, condition, practice, or matter to determine whether a person has violated or will violate a provision of the Compact or a rule, regulation, or order.⁶ If the Commission finds that a respondent has violated a provision of the Compact or any requirement established

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).

² Compact, tit. II, art. XI, § 1. The Metropolitan District includes: the District of Columbia; the cities of Alexandria and Falls Church of the Commonwealth of Virginia; Arlington County and Fairfax County of the Commonwealth of Virginia, the political subdivisions located within those counties, and that portion of Loudoun County, Virginia, occupied by the Washington Dulles International Airport; Montgomery County and Prince George's County of the State of Maryland, and the political subdivisions located within those counties; and all other cities now or hereafter existing in Maryland or Virginia within the geographic area bounded by the outer boundaries of the combined area of those counties, cities, and airports. Compact, tit. I, art. II.

³ Compact, tit. II, art. XI, § 6(a).

⁴ Compact, tit. II, art. XI, § 11(b).

⁵ Compact, tit. II, art. XI, § 5.

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

under it, the Commission shall issue an order compelling compliance and effecting other just and reasonable relief.⁷

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.⁸ Each day of the violation constitutes a separate violation.⁹

The Commission may suspend or revoke all or part of any certificate of authority for willful failure to comply with a provision of the Compact, an order, rule, or regulation of the Commission, or a term, condition, or limitation of the certificate.¹⁰

I. BACKGROUND

On June 14, 2011, at 9:55 a.m., a Commission staff member observed a van operating near the Washington Hospital Center in Northwest Washington, DC. The letters "NCC" were displayed on the front. Otherwise, the van was unmarked.

The van had a District of Columbia license plate with the number "B40724". According to Commission records, this vehicle is operated by National Children's Center, Inc., (NCC), under WMATC Certificate of Authority No. 189.

Staff wrote to NCC on June 17, 2011, instructing NCC to present its revenue vehicles for inspection by Commission staff by July 15. NCC requested and was granted two extensions, the second extended deadline being August 5. As of this date, NCC has yet to present all vehicles for inspection. See Appendix, Table I. Of the vehicles that have been presented, several revealed violations of the Commission's vehicle marking regulation, Regulation No. 61. See Appendix, Table II.

II. ORDER TO SHOW CAUSE

Under Regulation No. 61, each vehicle operated under a WMATC certificate of authority must display carrier identification markings. 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.¹¹

Respondent shall have 30 days to show cause why the Commission should not order certain vehicles out of service, assess a civil

⁷ Compact, tit. II, art. XIII, § 1(d).

⁸ Compact, tit. II, art. XIII, § 6(f).

⁹ Compact, tit. II, art. XIII, § 6(f)(ii).

¹⁰ Compact, tit. II, art. XI, § 10(c).

¹¹ *In re First Choice Health Servs. LLC*, No. MP-11-075 Order No. 12,972 (Sept. 9, 2011).

forfeiture, and/or suspend or revoke Certificate No. 189 for respondent's violation of Commission Regulation No. 61.¹²

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 shall have 30 days to show cause why the vehicles identified in the appendix to this order should not be ordered out of service, why a civil forfeiture should not be assessed against respondent, and/or why Certificate No. 189 should not be suspended or revoked for respondent's knowing and willful violation of and failure to comply with Commission Regulation No. 61.

3. That respondent may file within 15 days from the date of this order a 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.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS BRENNER AND HOLCOMB:



William S. Morrow, Jr.
Executive Director

¹² See Order No. 12,972 (same).

Appendix to WMATC Order No. 13,016

Table I
Vehicles Not Presented for Inspection

Fleet No	VIN	Year	Make	Plate	State
2	1GNDV23L06D125030	2006	Chevrolet	50047B	MD
3	1GNEL19X95B110101	2005	Chevrolet	50049B	MD
6	1FDWE35L47DA07676	2007	Ford	B42439	DC
13	1GAHG35U831216620	2003	Chevrolet	B40446	DC
17	1D8HN44H88B184763	2008	Dodge	B43387	DC
20	1FDXE45P06HB07732	2006	Chevrolet	B41552	DC
21	1GBHG31R921187592	2002	Chevrolet	B40277	DC
24	1D8HN44H88B184761	2008	Dodge	B43389	DC

Table II
Vehicles That Failed Inspection

Fleet No	VIN	Year	Make	Plate	State
1	1D4GP24R85B131965	2005	Dodge	B45404	DC
7	2B4HB15Y6XK560001	1999	Dodge	50046B	MD
8	1D8HN44H88B184762	2008	Dodge	B43388	DC
12	1GNEL19X35B106805	2005	Chevrolet	50045B	MD