

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 14,025

IN THE MATTER OF:

Served June 20, 2013

SMOOTH RIDE TRANSPORTATION, LLC, )  
Suspension and Investigation of )  
Revocation of Certificate No. 1066 )

Case No. MP-2013-044

Application of SMOOTH RIDE )  
TRANSPORTATION, LLC, for )  
Restrictive Amendment of )  
Certificate of Authority No. 1066 )

Case No. AP-2013-091

This matter is before the Commission on the response of Smooth Ride Transportation, LLC, (Smooth Ride), to Order No. 13,827, served April 2, 2013, noting the suspension of Certificate No. 1066, and on Smooth Ride's lack of response to Order No. 13,843, served April 4, 2013, conditionally approving amendment of Certificate No. 1066.

WMATC Case Nos. MP-2013-044 and AP-2013-091 are being consolidated under WMATC Rule No. 20-02 because of civil forfeiture and revocation issues common to both.

**I. BACKGROUND**

Under the Compact, a WMATC carrier may not engage in transportation subject to the Compact if the carrier's certificate of authority is not "in force."<sup>1</sup> A certificate of authority is not valid unless the holder is in compliance with the Commission's insurance requirements.<sup>2</sup> Smooth Ride has not been in compliance with the Commission's insurance requirements since March 30, 2013. Hence, Certificate No. 1066 has been invalid since March 30, 2013.

Smooth Ride's noncompliance stems from its failure to maintain the minimum amount of vehicle liability insurance coverage required under Regulation No. 58-02(c). Smooth Ride holds operating authority unrestricted as to vehicle seating capacity. Under Regulation No. 58-02(c), carriers with operating authority unrestricted as to vehicle seating capacity shall maintain minimum insurance coverage of \$5,000,000, Combined Single Limit, (bodily injury, death, and property damage) per accident. Commission records show that Smooth Ride has carried only \$1.5 million in such coverage since March 30, 2013.

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<sup>1</sup> Compact, tit. II, art. XI, § 6(a).

<sup>2</sup> Compact, tit. II, art. XI, § 7(g).

The Commission brought this to Smooth Ride's attention by issuing Order No. 13,827 on April 2, 2013. The order noted the automatic suspension of Certificate No. 1066 pursuant to Regulation No. 58-12, directed Smooth Ride to cease transporting passengers for hire under Certificate No. 1066, and gave Smooth Ride thirty days to replace the missing coverage and pay the \$100 late fee due under Regulation No. 67-03(c) or face revocation of Certificate No. 1066. Smooth Ride paid the late fee on May 1, 2013, but has yet to replace the full \$5 million in coverage required under Regulation No. 58-02(c).

Instead, Smooth Ride filed an application on April 3, 2013, to add a seating capacity restriction to Certificate of Authority No. 1066 so as to lower the minimum insurance requirement to \$1.5 million under Commission Regulation No. 58-02(c). The application was conditionally approved in Order No. 13,843, served April 4, 2013. The order stipulated that Smooth Ride would have the 180-day maximum permitted by Regulation No. 66 to satisfy the conditions of approval. But Smooth Ride has yet to satisfy any of the conditions stipulated in Order No. 13,843. Moreover, there is no compliance notice in the record, as required by WMATC Rule No. 28,<sup>3</sup> that would indicate Smooth Ride has ceased operating pending amendment and reinstatement of Certificate No. 1066.

## II. ORDER TO SHOW CAUSE

Although the order conditionally granting amendment of Certificate No. 1066 stipulated that Smooth Ride would have the 180-day maximum permitted by Regulation No. 66 to satisfy the conditions of approval, it did not lift the suspension of Certificate No. 1066.

Considering that Smooth Ride has not filed a compliance notice in accordance with Rule No. 28 confirming cessation of operations as of the suspension of Certificate No. 1066 on March 30, 2013, and considering that Smooth Ride has failed to satisfy any of the conditions stipulated in Order No. 13,843 for amending and reinstating Certificate No. 1066, Smooth Ride shall have 30 days to show cause why the Commission should not assess a civil forfeiture against Smooth Ride, and/or revoke Certificate No. 1066, for knowingly and willfully conducting operations under an invalid/suspended certificate of authority.<sup>4</sup>

THEREFORE, IT IS ORDERED:

1. That Case Nos. MP-2013-044 and AP-2013-091 are hereby consolidated under Rule No. 20-02.

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<sup>3</sup> See *Handi-Pro Transp., Inc.*, No. MP-07-060, Order No. 10,817 (Oct. 10, 2007) (same).

<sup>4</sup> See *In re Olalekan Salami, t/a Startime Ventures*, No. MP-08-147, Order No. 11,690 (Nov. 19, 2008) (same).

2. That Smooth Ride shall have 30 days to show cause why the Commission should not assess a civil forfeiture against Smooth Ride, and/or revoke Certificate No. 1066, for knowingly and willfully violating Article XI, Section 6(a), of the Compact, Regulation No. 58, and Order No. 13,827.

3. That Smooth Ride 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.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS BRENNER, HOLCOMB, AND BELLAMY:

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