

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 14,172

IN THE MATTER OF:

Served August 22, 2013

Application of J & J) Case No. AP-2013-207
TRANSPORTATION, L.L.C., Trading as)
AAA TRANSPORT AND ALL AMERICAN)
TRANSIT, for Voluntary Termination)
of Certificate No. 577)

Application of J & J) Case No. AP-2013-165
TRANSPORTATION, L.L.C., Trading as)
AAA TRANSPORT AND ALL AMERICAN)
TRANSIT, for Restrictive Amendment)
of Certificate of Authority No. 577)

J & J TRANSPORTATION, L.L.C.,) Case No. MP-2013-079
Trading as AAA TRANSPORT AND ALL)
AMERICAN TRANSIT, Suspension and)
Investigation of Revocation of)
Certificate No. 577)

Case No. AP-2013-207 is before the Commission on the application of J & J Transportation, L.L.C., trading as AAA Transport and All American Transit, (J&J), for voluntary termination of WMATC Certificate No. 577, filed July 2, 2013. WMATC Case Nos. MP-2013-079 and AP-2013-165 are being consolidated with Case No. AP-2013-207 under WMATC Rule No. 20-02 because of issues common to all three.

I. BACKGROUND

Commission Regulation No. 58 requires J&J to insure the revenue vehicles operated under Certificate No. 577 for a minimum of \$5 million in combined-single-limit liability coverage and maintain on file with the Commission at all times proof of coverage in the form of a WMATC Certificate of Insurance and Policy Endorsement (WMATC Insurance Endorsement) for each policy comprising the minimum. Under Regulation No. 67-03(c), \$100 is due and payable upon the failure of a carrier to timely file an acceptable WMATC Insurance Endorsement.

Certificate No. 577 was automatically suspended on June 1, 2013, pursuant to Regulation No. 58-12 when the \$4 million excess WMATC Insurance Endorsement on file for J&J terminated without replacement. Order No. 13,983, served June 3, 2013, in Case No. MP-2013-079, noted that Certificate No. 577 would be subject to revocation if J&J failed to file the necessary insurance endorsement(s) and pay the \$100 late fee under Regulation No. 67-03(c) within 30 days. J&J paid the \$100 late fee on June 4, 2013, and filed

a \$500,000 excess WMATC Insurance Endorsement on June 13, 2013, leaving J&J's vehicle liability coverage \$3.5 million short.

Meanwhile, on June 3, 2013, J&J filed an application to add a seating capacity restriction to Certificate No. 577. Adding a seating capacity restriction to Certificate No. 577 would confine J&J's operations to vehicles with a seating capacity of less than 16 persons, including the driver, thereby reducing from \$5 million to \$1.5 million J&J's minimum insurance obligation under Commission Regulation No. 58. The restrictive amendment was approved in Order No. 14,028, served June 20, 2013, in Case No. AP-13-165, subject to the condition that J&J present its vehicles for inspection and file certain documents on or before July 3, 2013. The order stipulated that the approval of amendment would be void, and the application would stand denied, if J&J failed to timely satisfy these conditions. Instead of satisfying these conditions, J&J filed an application on July 2, 2013, in Case No. AP-2013-207, requesting voluntary termination of Certificate No. 577, which J&J had returned to the Commission on June 25, 2013, in connection with its amendment request in Case No. AP-2013-165.

II. DECISION

The Executive Director may approve an application for voluntary termination under Regulation No. 54-08, provided the applicant is in good standing with the Commission.¹ Inasmuch as no fees or reports are currently due from J&J, and J&J therefore is in good standing, the application for voluntary termination of Certificate No. 577 shall be granted. Case Nos. MP-2013-079 and AP-2013-165 stand terminated.

THEREFORE, IT IS ORDERED:

1. That Case Nos. AP-2013-207, MP-2013-079, and AP-2013-165 are hereby consolidated under Rule No. 20-02.
2. That Certificate of Authority No. 577 is hereby terminated, effective this date.
3. That within 30 days from the date of this order J & J Transportation, L.L.C., trading as AAA Transport and All American Transit, shall:
 - a. remove from its vehicle(s) the identification placed thereon pursuant to Commission Regulation No. 61; and
 - b. file a notarized affidavit and supporting photograph(s) with the Commission verifying compliance with the preceding requirement.

¹ *In re Titus A. A. Nmashie, t/a Tan Transp.*, No. AP-09-007, Order No. 11,810 (Jan. 22, 2009).

4. That the proceedings in Case Nos. MP-2013-079 and AP-2013-165 stand terminated.

FOR THE COMMISSION:

A handwritten signature in black ink, appearing to read 'W. S. Morrow, Jr.', written in a cursive style.

William S. Morrow, Jr.
Executive Director