

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 16,209

IN THE MATTER OF:

Served February 17, 2016

Application of JUNIOR'S MULTI)
ENTERPRISES, INC., for a) Case No. AP-2015-273
Certificate of Authority --)
Irregular Route Operations)

Applicant seeks a certificate of authority to transport passengers in irregular route operations between points in the Metropolitan District, restricted to transportation in vehicles with a seating capacity of less than 16 persons only, including the driver. The application is unopposed.

JME's president, Horace Green, Jr., was the president of the similarly named Junior's Enterprises, Inc., during the time it held WMATC Certificate No. 401, which was terminated in 2009 at Mr. Green's request.¹

This is JME's fourth application. The first was denied without prejudice in 2012 for JME's failure to demonstrate fitness for WMATC operating authority.² The second application was approved in 2013. The reissuance of Certificate No. 401, this time to JME, was expressly made contingent on JME filing additional documents and passing a vehicle inspection conducted by Commission staff.³ In addition, the order stipulated that JME would be required to serve a one-year period of probation and monitoring commencing with the issuance of Certificate No. 401.⁴ JME failed to satisfy the conditions for issuance of operating authority within the time allotted, thereby voiding the Commission's approval⁵ and vitiating the terms of probation. The third application was conditionally approved earlier this year,⁶ but, once again, JME failed to satisfy the conditions for

¹ *In re Junior's Enters., Inc.*, No. AP-09-044, Order No. 11,978 (May 11, 2009).

² *In re Junior's Multi Enters., Inc.*, No. AP-12-028, Order No. 13,595 (Nov. 27, 2012).

³ See *In re Junior's Multi Enters., Inc.*, No. AP-13-209, Order No. 14,184 (Aug. 26, 2013). (conditionally granting Certificate No. 401).

⁴ *Id.*

⁵ See *id.* (grant of authority void upon applicant's failure to timely satisfy conditions of issuance); Commission Regulation No. 66 (failure to comply with conditions of grant within 180 days voids approval).

⁶ See *In re Junior's Multi Enters., Inc.*, No. AP-14-344, Order No. 15,410 (Feb. 20, 2015). (conditionally granting Certificate No. 401).

issuance of operating authority within the time allotted, thereby voiding the Commission's approval and assignment of probation, a second time.

Turning to the instant application, the Compact, Title II, Article XI, Section 7(a), authorizes the Commission to issue a certificate of authority if it finds that the proposed transportation is consistent with the public interest and that the applicant is fit, willing, and able to perform the proposed transportation properly, conform to the provisions of the Compact, and conform to the rules, regulations, and requirements of the Commission.

Applicant verifies that: (1) applicant owns or leases, or has the means to acquire through ownership or lease, one or more motor vehicles meeting the Commission's safety requirements and suitable for the transportation proposed in this application; (2) applicant owns, or has the means to acquire, a motor vehicle liability insurance policy that provides the minimum amount of coverage required by Commission regulations; and (3) applicant has access to, is familiar with and will comply with the Compact, the Commission's rules, regulations and orders, and Federal Motor Carrier Safety Regulations as they pertain to transportation of passengers for hire.

Based on the evidence of JME's fitness in this record and on the absence of any evidence to the contrary since our finding of JME's fitness in 2013, and subject to the following conditions, the Commission finds that the proposed transportation is consistent with the public interest and that applicant is fit, willing, and able to perform the proposed transportation properly, conform to the provisions of the Compact, and conform to the rules, regulations, and requirements of the Commission.

Consistent with the unfulfilled terms of probation in the 2013 conditional grant order mentioned above and commencing with the issuance of the certificate of authority conditionally granted herein, applicant shall be placed on probation, and be subject to active monitoring by the Commission, for a period of one year.

In closing, applicant is cautioned that under Regulation No. 66-01, an applicant which has three successive conditional grants voided for failure to satisfy the conditions for issuance of operating authority within 180 days shall be barred from reapplying for a period of one year as measured from the end of the third 180-day period.

THEREFORE, IT IS ORDERED:

1. That upon applicant's timely compliance with the requirements of this order, Certificate of Authority No. 401 shall be issued to Junior's Multi Enterprises, Inc., 9123 Fox Park Road, Clinton, MD 20735-3041.

2. That applicant may not transport passengers for hire between points in the Metropolitan District pursuant to this order unless and until a certificate of authority has been issued in accordance with the preceding paragraph.

3. That applicant is hereby directed to file the following documents and present its revenue vehicle(s) for inspection within the 180-day maximum permitted in Commission Regulation No. 66: (a) evidence of insurance pursuant to Commission Regulation No. 58; (b) an original and four copies of a tariff or tariffs in accordance with Commission Regulation No. 55; (c) a vehicle list stating the year, make, model, serial number, fleet number, license plate number (with jurisdiction) and seating capacity of each vehicle to be used in revenue operations; (d) a copy of the for-hire vehicle registration card, and a lease as required by Commission Regulation No. 62 if applicant is not the registered owner, for each vehicle to be used in revenue operations; and (e) proof of current safety inspection of said vehicle(s) by or on behalf of the United States Department of Transportation, the State of Maryland, the District of Columbia, or the Commonwealth of Virginia.

4. That the grant of authority herein shall be void and the application shall stand denied upon applicant's failure to timely satisfy the conditions of issuance prescribed herein.

5. That applicant shall be placed on probation for a period of one year commencing with the issuance of Certificate No. 401 as approved in this order, such that a willful violation of the Compact, or of the Commission's rules, regulations or orders thereunder, during the period of probation shall constitute grounds for immediate suspension and/or revocation of Certificate No. 401, regardless of the nature and severity of the violation.

6. That during the one-year probationary period prescribed herein, applicant shall file a quarterly list of drivers and vehicles employed during each 3-month period, which Commission staff shall use in sampling driver motor vehicle records, medical examiner certificates, hours-of-service records, vehicle maintenance records, and driver vehicle inspection reports. The lists shall be produced within 10 days following the end of each 3-month period, and sample documents requested by Commission staff shall be produced within 10 days of each request.

- a. Each vehicle list shall identify the 3-month period and include the following information for each vehicle used in WMATC operations during that period: year, make, model, serial number, fleet number, license plate number (with jurisdiction), and seating capacity.
- b. Each driver list shall identify the 3-month period and include the following information for each driver that operated a vehicle under respondent's WMATC authority during

that period: full name, date hired, vehicle(s) operated, and date terminated (as applicable).

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

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

William S. Morrow, Jr.
Executive Director