

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 16,474

IN THE MATTER OF:

Served July 15, 2016

VUGRAY ENTERPRISES L.L.C., WMATC) Case No. MP-2016-119
No. 2846, Investigation of)
Violation of Order No. 16,057 and)
Regulation No. 64-04)

The Washington Metropolitan Area Transit Regulation Compact¹ authorizes the Washington Metropolitan Area Transit Commission (WMATC) to issue a certificate of passenger carrier 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.²

The Commission may attach to the issuance of a certificate and to the exercise of the rights granted under it any term, condition, or limitation that is consistent with the public interest.³

The Commission approved the application of VuGray Enterprises L.L.C., (respondent), for a certificate of authority on December 17, 2015, in Order No. 16,057, subject to several conditions, including the condition that respondent produce a copy of the for-hire vehicle registration card for each vehicle to be operated under WMATC authority, as required by WMATC Regulation No. 64-04.⁴ As of March 11, 2016, respondent had satisfied all conditions except the for-hire plate condition. In the absence of any passenger carrier authority, respondent was unable to obtain for-hire plates for its initial WMATC vehicles, a 2016 Nissan with VIN ending 850805 and a 2016 BMW with VIN ending P31646.

To resolve the impasse, the Commission issued WMATC Certificate No. 2846 to respondent on March 11, 2016, subject to a vehicle-out-of-service notice and subject to the proviso that respondent obtain for-hire plates for the Nissan and BMW and submit copies of the new registrations to the Commission within 30 days or face revocation of Certificate No. 2846. Respondent has yet to comply.

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, § 7(a).

³ Compact, tit. II, art. XI, § 7(d).

⁴ *In re VuGray Enters. L.L.C.*, No. AP-15-267, Order No. 16,057 (Dec. 17, 2015).

Under the Compact, 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.⁵

The terms "willful" and "willfully" do not mean with evil purpose or criminal intent; rather, they describe conduct marked by intentional or careless disregard or plain indifference.⁶

Respondent shall have 30 days to show cause why the Commission should not revoke Certificate No. 2846.

THEREFORE, IT IS ORDERED:

1. That an investigation of respondent and its operations within the Washington Metropolitan Area Transit District is hereby initiated pursuant to Article XIII, Section 1, of the Washington Metropolitan Area Transit Regulation Compact.

2. That within 30 days from the date of this order, respondent shall show cause why Certificate of Authority No. 2846 should not be revoked for respondent's willful failure to satisfy all conditions attached to the issuance of said certificate.

3. That respondent may request an oral hearing in this matter by submitting within 15 days from the date of this order a written request that specifies the grounds for the request, describes the evidence to be adduced, and explains why such evidence cannot be adduced without an oral hearing.

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



William S. Morrow, Jr.
Executive Director

⁵ Compact, tit. II, art. XI, § 10(c).

⁶ *In re Metro Health-Tech Servs. Inc.*, No. MP-08-057, Order No. 11,588 (Sept. 24, 2008).