

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 5195

IN THE MATTER OF:

Served September 9, 1997

JAMES TRANSPORTATION SERVICE, INC.,)
Revocation of Certificate of)
Insurance and Investigation of)
Suspension and Revocation of)
Certificate No. 366)

Case No. MP-97-78

The Compact, Title II, Article XI, Section 7(f), directs each person holding a certificate of authority to comply with the Commission's insurance regulations. Article XI, Section 7(g) provides that a certificate of authority is not valid unless the holder is in compliance with the insurance requirements of the Commission. Article XI, Section 10, states that after notice and hearing, the Commission may suspend or revoke all or part of a carrier's certificate of authority for the carrier's willful failure to comply with an order, rule or regulation of the Commission. Commission Regulation No. 58-01 provides in pertinent part:

A carrier shall secure the public by means of an insurance policy or policies in such minimum amounts and subject to such conditions as the Commission may prescribe. Evidence of the existence of such insurance shall be filed with the Commission and shall be in a form approved by or acceptable to the Commission.

Regulation No. 58-02 provides in pertinent part: "Security for the protection of the public shall remain in effect at all times."

James Transportation Service, Inc., WMATC Carrier No. 366, filed a certificate of insurance on January 17, 1997, identifying the insurer as CNA Insurance Company and the policy number as "cm 558724." The Commission forwarded a copy of James's filing to CNA at the address listed on the certificate: "CNA Plaza, Chicago, IL 60685."

CNA returned the copy of James's filing and the Commission's cover letter in an envelope postmarked September 4, 1997, and received by the Commission September 8, 1997. Comments attached to the returned documents indicate that the policy number identified in James's certificate of insurance is not a valid CNA commercial insurance policy number.

Under Regulation No. 58-09, the Commission may, upon thirty (30) days' notice, revoke its approval of any certificate of insurance if, in the judgment of the Commission, such security does not comply with the Commission's regulations or for any reason fails to provide satisfactory or adequate protection for the public. Accordingly, we will revoke the certificate of insurance of James Transportation Service, Inc., effective thirty days after the date of this order. James shall have until then to file one or more newly executed

certificates of insurance establishing to the satisfaction of the Commission the existence of one or more valid insurance policies.

THEREFORE, IT IS ORDERED:

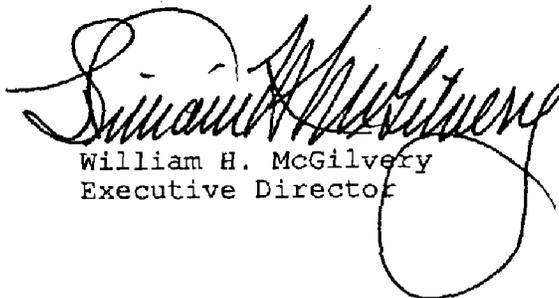
1. That the certificate of insurance of James Transportation Service, Inc., is hereby revoked, effective thirty days after the date of this order.

2. That James Transportation Service, Inc., shall have thirty days from the date this order is issued to file one or more newly executed certificates of insurance establishing to the satisfaction of the Commission the existence of one or more valid insurance policies.

3. That unless James Transportation Service, Inc., complies with the requirements of this order within thirty days from the date it is issued, Certificate of Authority No. 366 shall be invalid and stand automatically suspended pursuant to Article XI, Section 7(g), of Compact and Commission Regulation No. 58-02 and shall be subject to immediate revocation without further proceedings.

4. That James Transportation Service, Inc., may file within fifteen days from the date of this order a request for oral hearing, indicating the grounds for the request, describing the evidence to be adduced and explaining why such evidence cannot be adduced without an oral hearing.

FOR THE COMMISSION:



William H. McGilvery
Executive Director