

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 6387

IN THE MATTER OF:

Served October 17, 2001

Investigation of Unauthorized )  
and Unsafe Operations of JUNIOR'S )  
ENTERPRISES, INC., WMATC No. 401, )  
and Order to Show Cause )

Case No. MP-2001-103

The 2000 annual report for Junior's Enterprises, Inc., as originally filed March 14, 2001, stated that one of the vehicles in Junior's fleet had a seating capacity of 16 persons. Because the certificate of authority for Junior's does not permit operations in vehicles seating more than 15 persons, including the driver, Commission staff sent a letter to Junior's that same day asking Junior's to correct or confirm the stated seating capacity. Junior's did not respond.

On July 18, 2001, Commission staff once again advised Junior's in writing that if the seating capacity information in the annual report was incorrect, Junior's must file a corrected annual report. Staff also directed Junior's to present all of its vehicles for inspection.

Junior's filed a corrected annual report on July 25 and presented one vehicle for inspection on July 27, the vehicle with the questioned seating capacity. Staff's inspection revealed that the seating capacity was less than 16 persons including the driver, but the inspection also uncovered violations of Commission Regulation No. 62 (copy of lease not in vehicle) and Regulation No. 61 (name of owner not displayed on vehicle).<sup>1</sup> In addition, the vehicle did not have a valid safety inspection sticker and was being operated with noncommercial license plates.<sup>2</sup> To date, staff has been unable to confirm that these deficiencies have been corrected and that all of respondent's vehicles are safe to operate and in compliance with Commission requirements.

The Commission may investigate a carrier to determine whether that carrier has violated the Compact.<sup>3</sup> The Commission may require the production of books, papers, correspondence, memoranda, contracts, agreements, or other records or evidence which the Commission considers relevant to the inquiry.<sup>4</sup> The Commission shall have access

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<sup>1</sup> This would appear to contradict applicant's affidavit in AP-97-31 affirming display of the owner's name on said vehicle.

<sup>2</sup> Operation of a vehicle with an expired, invalid or missing safety inspection sticker violates Title II of the Compact, Article XI, Section 5, governing safety and adequacy of equipment. In re Safe Transp., Inc., No. MP-96-15, Order No. 4849 (May 17, 1996). Such a vehicle is presumptively unsafe and inadequate. Id.

<sup>3</sup> Compact, tit. II, art. XIII, § 1(c).

<sup>4</sup> Compact, tit. II, art. XIII, § 1(e).



at all times to the accounts, records, memoranda, lands, buildings, and equipment of any carrier for inspection purposes.<sup>5</sup>

A carrier that knowingly and willfully violates a provision of the Compact shall be subject to a civil forfeiture of not more than \$1,000 for the first violation and not more than \$5,000 for any subsequent violation; each day of the violation constitutes a separate violation.<sup>6</sup>

The Commission will initiate an investigation to determine whether respondent has violated the Compact and regulations thereunder.

THEREFORE, IT IS ORDERED:

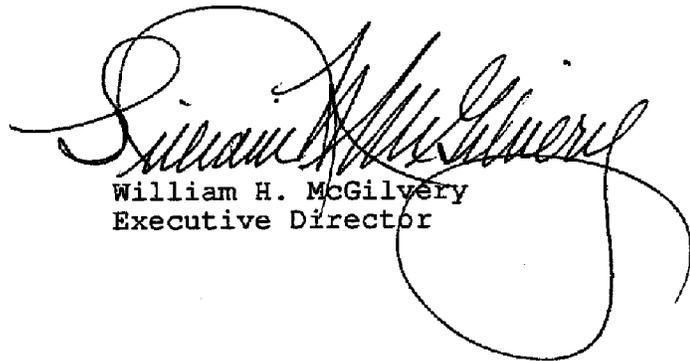
1. That an investigation of the operations of Junior's Enterprises, Inc., in the Washington Metropolitan Area Transit District is hereby initiated under Article XIII, Section 1, of the Compact.

2. That respondent is hereby directed to show cause within thirty days from the date of this order why the Commission should not assess a civil forfeiture for knowing and willful operation of an unauthorized and unsafe vehicle.

3. That respondent is hereby directed to produce all revenue vehicles for inspection by Commission staff within thirty days from the date of this order.

4. That respondent may not operate any vehicle that fails inspection by staff unless and until such vehicle passes reinspection.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS YATES, LIGON, AND MILLER:



William H. McGilvery  
Executive Director

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<sup>5</sup> Compact, tit. II, art. XII, § 1(b).

<sup>6</sup> Compact, tit. II, art. XIII, § 6(f).