

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 6931

IN THE MATTER OF:

Served December 4, 2002

JOSEPH LANE, JR., Trading as LANE'S)
TRANSPORTATION, WMATC No. 526,)
Investigation of Unauthorized)
Transfer of Operations to LANE'S)
TRANSPORTATION, INC.)

Case No. MP-2002-122

Certificate of Authority No. 526 has been held by Joseph Lane, Jr., a sole proprietor trading as Lane's Transportation, since March 21, 2000. When Mr. Lane completed and filed his annual report for the year 2001, he entered "Lane's Transportation Inc." in the space provided for indicating whether any changes in form of organization had occurred during that year.

Commission staff verified the existence of the corporation and wrote to Mr. Lane on June 5, 2002, admonishing him that the corporation may not operate under his certificate of authority and advising him to either file a transfer application, or proof of dissolution of the corporation, no later than June 25, 2002. Mr. Lane has yet to respond.

Under the Compact, Commission approval must be obtained to transfer a WMATC carrier's assets or operations to another carrier that operates in the Metropolitan District.¹ A person other than the person to whom an operating authority is issued by the Commission may not lease, rent, or otherwise use that operating authority.²

The Commission may investigate whether a person has violated the Compact and for the purpose of an investigation "may administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of books, papers, correspondence, memoranda, contracts, agreements, or other records or evidence which the Commission considers relevant to the inquiry."³ In addition, the Commission "shall have access at all times to the accounts, records, memoranda, lands, buildings, and equipment of any carrier for inspection purposes."⁴

¹ Compact, tit. II, art. XII, § 3.

² Compact, tit. II, art. XI, § 11(b).

³ Compact, tit. II, art. XIII, § 1(c), (e).

⁴ Compact, tit. II, art. XII, § 1 (b).

If the Commission finds a person has violated the Compact, the Commission shall issue an order compelling compliance and effecting other just and reasonable relief.⁵ A person who knowingly and willfully violates a provision of the Compact is subject to a civil forfeiture of not more than \$1,000 for the first violation and not more than \$5,000 for each subsequent violation.⁶ Each day of the violation counts as a separate violation.⁷

We shall direct respondents to produce any and all books, papers, correspondence, memoranda, contracts, agreements, and other records and documents, in their possession, custody or control relating to transportation of passengers for hire between points in the Metropolitan District during the period beginning November 5, 2001, the date of incorporation of Lane's Transportation, Inc., and ending on the date of this order.

THEREFORE, IT IS ORDERED:

1. That an investigation of respondents and their operations in the Washington Metropolitan Area Transit District is hereby initiated under Article XIII, Section 1, of the Compact.

2. That Lane's Transportation, Inc., is hereby directed to refrain from, and/or cease and desist from, transporting passengers for hire between points in the Metropolitan District unless and until otherwise ordered by the Commission.

3. That respondents are hereby directed to produce, within thirty days of the date of this order, any and all books, papers, correspondence, memoranda, contracts, agreements, and other records and documents, including any and all stored electronically, that are within respondents' individual or joint possession, custody or control and which relate to the transportation of passengers for hire between points in the Metropolitan District during the period beginning November 5, 2001, and ending on the date of this order, including, but not limited to:

- a. any and all customer invoices;
- b. any and all invoices from other carriers;
- c. any and all bank records; and
- d. any and all tax returns;

⁵ Compact, tit. II, art. XIII, § 1(d).

⁶ Compact, tit. II, art. XIII, § 6(f).

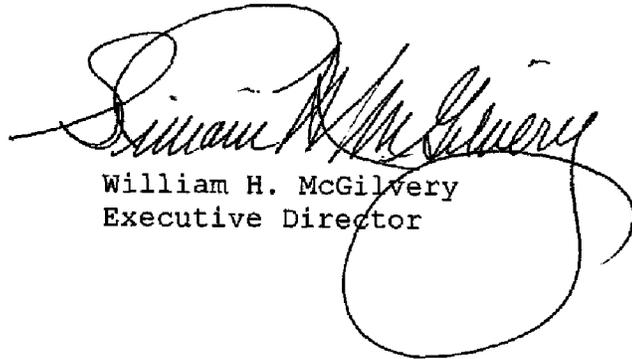
⁷ Compact, tit. II, art. XIII, § 6(f).

4. That Lane's Transportation, Inc., is hereby directed to file any and all documents relating to its organizational status, including, but not limited to, a current list of shareholders.

5. That Certificate of Authority No. 526 shall be automatically suspended upon either respondent's failure to timely respond to this order.

6. That in the event Certificate of Authority No. 526 is suspended pursuant to the preceding paragraph, Joseph Lane, Jr., trading as Lane's Transportation, shall have thirty days thereafter to show cause why Certificate of Authority No. 526 should not be revoked for failure to comply with the requirements of this order.

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



William H. McGilvery
Executive Director

