

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 7330

IN THE MATTER OF:

Served July 21, 2003

GOLD LINE, INC., WMATC No. 14,)
Investigation of Violation of)
Regulation Nos. 61 and 62 and)
Order to Show Cause)

Case No. MP-2003-79

This investigation is being initiated to determine whether respondent knowingly and willfully violated Commission Regulation Nos. 61 and 62 by operating improperly marked vehicles and operating non-owned vehicles without a lease on file with the Commission.

On November 5, 2002, a Commission staff member observed that one of respondent's buses did not display respondent's name and WMATC number on the passenger side of the vehicle. Commission Regulation No. 61 requires such information to be displayed on both sides of each revenue vehicle operated under WMATC authority.

On November 11, 2002, staff issued a letter directing respondent to present its revenue vehicles for inspection. Respondent submitted a vehicle list on December 4, 2002, showing fifty-six vehicles, but so far, respondent has only produced five vehicles for inspection, and none were found to comply with Regulation No. 61. In addition, vehicle leases filed February 3, 2003, were incomplete and, therefore, unacceptable for filing under Regulation No. 62, which prohibits carriers from operating non-owned vehicles under their WMATC authority without an effective lease on file with the Commission.

The Commission may investigate on its own motion a fact, condition, practice, or matter to determine whether a person has violated or will violate a provision of the Compact or a rule, regulation, or order.¹ For the purpose of an investigation or other proceeding under the Compact, the Commission 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.² The Commission

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

² Compact, tit. II, art. XIII, § 1(e).

shall have access at all times to the accounts, records, memoranda, lands, buildings, and equipment of any carrier for inspection purposes.³

If the Commission finds that a respondent has violated a provision of the Compact or any requirement established under it, the Commission shall issue an order compelling compliance and effecting other just and reasonable relief.⁴ A person who knowingly and willfully violates a provision of the Compact, or a rule, regulation, requirement, or order issued under it, or a term or condition of a certificate, 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.⁵ 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.⁶

Respondent will be directed to bring its operations into compliance with Regulation Nos. 61 and 62, present its vehicles for inspection, and show cause why respondent should not be found to have knowingly and willfully violated Regulation Nos. 61 and 62.

THEREFORE, IT IS ORDERED:

1. That an investigation of respondent's operations 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 immediately bring its operations into compliance with Commission Regulation Nos. 61 and 62.

3. That respondent is hereby directed to produce all revenue vehicles for inspection by Commission staff within thirty days.

4. That respondent may not operate any vehicle that fails inspection by staff unless and until such vehicle passes reinspection, as verified in writing by Commission staff.

5. That respondent shall have thirty days to show cause why respondent should not be found to have knowingly and willfully violated Regulation Nos. 61 and 62.

³ Compact, tit. II, art. XII, § 1(b).

⁴ Compact, tit. II, art. XIII, § 1(d).

⁵ Compact, tit. II, art. XIII, § 6(f).

⁶ Compact, tit. II, art. XI, § 10(c).

6. That Certificate of Authority No. 14 shall stand suspended, and be subject to revocation without further notice, upon respondent's failure to timely present its vehicles for inspection and file the necessary leases.

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



William H. McGilvery
Executive Director