

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 12,326

IN THE MATTER OF:

Served March 5, 2010

PARAMED MEDICAL TRANSPORTATION,) Case No. MP-2010-015
INC., Trading as PARA-MED, WMATC)
No. 206, Investigation of Violation)
of Regulation No. 61 and Operation)
of Unsafe Vehicles)

This matter is before the Commission on the failure of respondent's vehicles to pass a safety inspection and respondent's failure to comply with the Commission's vehicle marking requirements.

I. BACKGROUND

On July 27, 2009, a Commission staff member observed a vehicle being used in apparent for-hire operations in the Metropolitan District. The vehicle did not display the carrier's name and WMATC number as required by Commission Regulation No. 61, but staff eventually determined that the vehicle was registered to respondent.

On November 2, 2009, staff wrote to respondent requesting that respondent submit a list of its current vehicles on or before November 16, 2009, and that respondent present its vehicles for inspection on or before November 30, 2009. Staff also requested that respondent produce copies of any and all safety inspection certificates for vehicles not displaying a safety inspection sticker.

On November 16, 2009, respondent produced a list of 15 vehicles and copies of the corresponding registration cards. The vehicle observed by staff was omitted from the list, and the registration was not produced. Respondent explained that the vehicle "was being used only as a temporary substitute and has since been retired." Respondent also produced a safety inspection certificate showing that one of the 15 vehicles had passed a safety inspection within the past twelve months. Over the next two weeks, respondent submitted 13 of the remaining 14 vehicles for safety inspection.¹ Only three passed. Respondent was granted an extension of time to make necessary repairs, but as matters stand now - more than three months after staff first wrote to respondent - the record shows that six of respondent's vehicles have not passed a safety inspection within the past twelve months.

¹ Respondent says it submitted 14, but the Commission only has evidence of 13.

II. VEHICLE MARKING AND SAFETY REQUIREMENTS

Title II of the Washington Metropolitan Area Transit Regulation Compact, Article XI, Section 5(a),² states that "Each authorized carrier shall provide safe and adequate transportation service, equipment, and facilities." Local motor vehicle laws require a safety inspection as part of the for-hire vehicle registration and registration renewal process.³ Operation of a vehicle with an expired, invalid or missing safety inspection sticker violates Article XI, Section 5(a).⁴ Such a vehicle is presumptively unsafe.⁵

Regulation No. 61-01 states that the following information must appear on both sides of each vehicle used to transport passengers under WMATC authority:

(a) the carrier's legal name or trade name appearing on the carrier's certificate of authority, or otherwise approved by the Commission for use in the Metropolitan District, preceded by the phrase "Operated By" if some other name also appears on the vehicle; and

(b) "WMATC" followed by either the carrier's certificate of authority number or, if applicable, the carrier's temporary authority or approval number.

"The markings required by Regulation No. 61 help assign responsibility, and facilitate recovery of compensation, for damage and injuries caused by carriers operating under WMATC authority."⁶

III. INITIATION OF INVESTIGATION

The Commission may investigate a carrier to determine whether that carrier has violated the Compact.⁷ 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.⁸ The Commission shall have access at all times to the accounts, records, memoranda, lands, buildings, and equipment of any carrier for inspection purposes.⁹

² Washington Metropolitan Area Transit Regulation Compact, Pub. L. No. 101-505, § 1, 104 Stat. 1300, 1305 (1990).

³ See e.g., www.marylandmva.com/AboutMVA/INFO/27300/27300-26T.htm; 18 DCMR 413.10, 421.2.

⁴ *In re VOCA Corp. of Wash., D.C.*, No. MP-02-30, Order No. 7258 (June 20, 2003); *In re Junior's Enters., Inc.*, No. MP-01-103, Order No. 6549 (Feb. 21, 2002); *In re Safe Transp., Inc.*, No. MP-96-15, Order No. 4849 (May 17, 1996).

⁵ Order No. 7258; Order No. 6549; Order No. 4849.

⁶ *In re Escort Limo. Serv., Inc.*, No. AP-03-48, Order No. 7512 (Nov. 5, 2003); *In re Prime Transp. Servs., Inc.*, No. AP-02-92, Order No. 7511 (Nov. 5, 2003).

⁷ Compact, tit. II, art. XIII, § 1(c).

⁸ Compact, tit. II, art. XIII, § 1(e).

⁹ Compact, tit. II, art. XII, § 1(b).

The Commission will initiate an investigation to determine whether respondent's vehicles are in violation of Regulation No. 61 and Article XI, Section 5(a), of the Compact.

IV. OUT OF SERVICE ORDER

The vehicles that failed inspection in November and have not passed a safety inspection since shall be ordered out of service.¹⁰

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 submit a list of its current vehicles, and copies of the registration cards and safety inspection certificates for those vehicles, within 15 days.

3. That respondent is hereby directed to present all of its vehicles for inspection by Commission staff within 30 days.

4. That respondent shall remove from service any and all vehicles that do not pass inspection by Commission staff within 30 days from the date of this order.

5. That respondent shall immediately remove the following vehicles from service and shall not return said vehicles to service unless and until said vehicles have passed a safety inspection, as verified in writing by Commission staff:

VINs Ending: 761306
952242
583338
643880
532630

6. That Certificate of Authority No. 206 shall stand suspended and be subject to revocation upon respondent's failure to timely comply with the requirements of this order.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS BRENNER AND CHRISTIE:



William S. Morrow, Jr.
Executive Director

¹⁰ See *In re Comprehensive Care II, Inc.*, No. MP-04-212, Order No. 9174 (Dec. 9, 2005) (same); Order No. 7258 (same); *In re Safe Transp., Inc.*, No. MP-96-15, Order No. 4956 (Oct. 24, 1996) (same).