

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 17,436

IN THE MATTER OF:

Served January 31, 2018

Application of ERRANDS PLUS INC., )  
Trading as RMA CHAUFFEURED )  
TRANSPORTATION and as RMA WORLDWIDE )  
CHAUFFEURED TRANSPORTATION, for )  
Expansive Amendment of Certificate )  
of Authority No. 287 )

Case No. AP-2017-151

By application filed August 18, 2017, applicant requests removal of the 15-passenger seating capacity restriction in Certificate of Authority No. 287.

Applicant also requests replacement of the current trade name on Certificate No. 287, RMA Chauffeured Transportation Service, with two new trade names, RMA Chauffeured Transportation and RMA Worldwide Chauffeured Transportation.

The application is unopposed.

**I. EXPANSIVE AMENDMENT**

Under Article XI, Section 10(b), of the Compact, the Commission may amend a certificate of authority upon application by the holder. A carrier seeking expanded operating authority must show that it is fit and that the proposed transportation is consistent with the public interest.<sup>1</sup>

An existing WMATC carrier is entitled to a presumption of fitness.<sup>2</sup> In addition, applicant verifies that: (1) applicant owns or leases, or has the means to acquire through ownership or lease, one or more motor vehicles meeting the Commission's safety requirements and suitable for the transportation proposed in this application; (2) applicant owns, or has the means to acquire, a motor vehicle liability insurance policy that provides the minimum amount of coverage required by Commission regulations; and (3) applicant has access to, is familiar with and will comply with the Compact, the Commission's rules, regulations and orders, and Federal Motor Carrier Safety Regulations as they pertain to transportation of passengers for hire.

At the same time, applicant admits to having "subcontracted with George Towne Trolley Tours and Transportation LLC to provide

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<sup>1</sup> *In re L.J. Express, Inc.*, No. AP-04-116, Order No. 8276 (Sept. 20, 2004).

<sup>2</sup> *In re RMA Coach, LLC*, No. AP-17-007, Order No. 17,124 (Aug. 1, 2017).

group charter service in the Washington Metropolitan Area on several occasions in January and March of 2017, a time when George Towne Trolley Tours did not possess WMATC operating authority." In its defense, applicant states that

At that time the General Manager was responsible for vetting the companies we used for over flow work. He was in charge of that and other operational areas. As of May 23<sup>rd</sup>, he no longer works here and we are continuing to find things that were not done in accordance with the way RMA does business. Since that time we have been going through our records to ensure the companies we use are WMATC compliant. We, in fact, used George Towne Trolley into May at which time we determined that they did not meet our standards and discontinued using them.

Under the Compact, WMATC carriers are required to "observe and enforce Commission regulations."<sup>3</sup> Enabling others to violate the Compact qualifies as a failure to enforce WMATC regulations under the Compact.<sup>4</sup>

When an applicant or a person controlling an applicant has a record of violations, or a history of controlling companies with such a record, the Commission considers the following factors in assessing the likelihood of applicant's future compliance: (1) the nature and extent of the violations, (2) any mitigating circumstances, (3) whether the violations were flagrant and persistent, (4) whether the controlling party has made sincere efforts to correct past mistakes, and (5) whether the controlling party has demonstrated a willingness and ability to comport with the Compact and rules and regulations thereunder in the future.<sup>5</sup>

Given the second-hand nature and limited duration of the violations, and considering applicant's adoption of corrective measures upon discovering its enforcement lapse, the record on balance warrants our approval of this application. Applicant shall serve a one year period of probation as a means of ensuring prospective compliance.<sup>6</sup>

Based on the evidence in this record, and considering the terms of probation and other conditions prescribed herein, the Commission finds that the proposed transportation is consistent with the public

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<sup>3</sup> Compact, tit. II, art. XI, § 5(b).

<sup>4</sup> See *In re Better Business Connection, Inc., t/a BBC Express*, No. MP-13-028, Order No. 15,486 at 26-29 (Apr. 2, 2015) (WMATC carrier complicit in enabling violations assessed forfeiture for failing to enforce WMATC regulations).

<sup>5</sup> *In re Metro Transcare LLC*, No. AP-17-047, Order No. 17,193 (Sept. 8, 2017).

<sup>6</sup> See *id.* (same).

interest and that applicant is fit, willing, and able to perform the proposed transportation properly, conform to the provisions of the Compact, and conform to the rules, regulations, and requirements of the Commission.

## **II. TRADE NAMES**

Under Commission Regulation No. 54-08, a trade name application by an applicant with a principal place of business in the District of Columbia, Maryland, or Virginia shall include proof of trade name registration in the jurisdiction where applicant's principal place of business is located.

Applicant's principal place of business is located in Maryland. The application is supported by proof that applicant has registered the new trade names with the Maryland Department of Assessments and Taxation (MDAT). The trade name currently displayed on WMATC Certificate No. 287 is absent from the list of trade names viewable on the MDAT website.

Accordingly, the trade name RMA Chauffeured Transportation Service shall be replaced as requested upon reissuance of Certificate No. 287 in accordance with this order.

THEREFORE, IT IS ORDERED:

1. That upon applicant's timely compliance with the requirements of this order, Certificate of Authority No. 287 shall be reissued, as amended consistent with this order, to Errands Plus Inc., trading as RMA Chauffeured Transportation and as RMA Worldwide Chauffeured Transportation, 12270 Wilkins Avenue, Rockville, MD 20852-1834.

2. That applicant may not transport passengers for hire between points in the Metropolitan District pursuant to this order unless and until a certificate of authority has been reissued in accordance with the preceding paragraph.

3. That applicant is hereby directed to file the following documents and present its revenue vehicle(s) for inspection within the 180-day maximum permitted in Commission Regulation No. 66: (a) evidence of insurance pursuant to Commission Regulation No. 58; (b) an original and four copies of a tariff or tariffs in accordance with Commission Regulation No. 55; (c) a vehicle list stating the year, make, model, serial number, fleet number, license plate number (with jurisdiction) and seating capacity of each vehicle to be used in revenue operations; (d) a copy of the for-hire vehicle registration card, and a lease as required by Commission Regulation No. 62 if applicant is not the registered owner, for each vehicle to be used in revenue operations; and (e) proof of current safety inspection of said vehicle(s) by or on behalf of the United States Department of Transportation, the State of Maryland, the District of Columbia, or the Commonwealth of Virginia.

4. That applicant shall be placed on probation for a period of one year commencing with the reissuance of Certificate No. 287 in accordance with the terms of this order and that a willful violation of the Compact, or of the Commission's rules, regulations or orders thereunder, by applicant during the period of probation shall constitute grounds for immediate suspension and/or revocation of applicant's operating authority without further proceedings, regardless of the nature and severity of the violation.

5. That the approval of amendment herein shall be void and the application shall stand denied upon applicant's failure to timely satisfy the conditions of reissuance prescribed herein.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS RICHARD, MAROOTIAN, AND HOLCOMB:

A handwritten signature in black ink, appearing to read "W. S. Morrow, Jr.", written in a cursive style.

William S. Morrow, Jr.  
Executive Director