

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 17,543

IN THE MATTER OF:

Served April 10, 2018

ELITE MEDICAL TRANSIT PROFESSIONAL)
L.L.C., Revocation of WMATC)
Insurance Endorsement and)
Investigation of Suspension and)
Revocation of Certificate No. 2956)

Case No. MP-2018-034

This matter is before the Commission on the response of respondent to Order No. 17,517, served March 27, 2018.

I. BACKGROUND

Commission Regulation No. 58 requires respondent to insure the revenue vehicles operated under Certificate No. 2956 for a minimum of \$1.5 million in combined-single-limit liability coverage and maintain on file with the Commission at all times proof of coverage in the form of a WMATC Certificate of Insurance and Policy Endorsement (WMATC Insurance Endorsement) for each policy comprising the minimum. Tiered or layered coverage is permitted, "provided that not more than one policy may be obtained for any one tier or layer."¹

As of March 27, 2018, respondent had on file with the Commission a valid \$1.5 million primary WMATC Certificate of Insurance and Policy Endorsement on file with the Commission, as required by Regulation No. 58. The underlying policy was issued by Gateway Insurance Company. According to records obtained from the District of Columbia Department of Motor Vehicles, however, five of Elite's vehicles were covered by a second insurance policy issued by Garrison Property and Casualty Insurance Company.

Normally, the WMATC Insurance Endorsement acts as a backstop since it provides coverage even in the event a vehicle is not identified in the policy, but the Endorsement is of little value if a claimant is not given accurate policy information.² Given the facts above, claimants seeking insurance information from DCDMV as of March 27, 2018, would not have been informed of the \$1.5 million WMATC Endorsement issued by Gateway Insurance Company, leaving the public at risk.³

¹ Commission Regulation No. 58-02.

² *In re Fekadu Shapa Hybano, t/a Gadosolo Transp.*, No. MP-16-040, Order No. 16,290 (Apr. 5, 2016).

³ *Id.*

Under WMATC Regulation No. 58-09: "The Executive Director may, upon thirty days' notice, revoke any WMATC Insurance Endorsement if, in the judgment of the Executive Director, such security does not comply with the Commission's regulations or for any reason fails to provide satisfactory or adequate protection for the public."

On March 27, 2018, Order No. 17,517 revoked respondent's WMATC Insurance Endorsement, effective April 26, 2018. The order gave respondent 30 days to: (a) file the necessary replacement WMATC Endorsement(s); (b) file proof that all duplicative policies have been cancelled; and (c) submit proof that the policy underlying the WMATC Endorsement on file with the Commission has been reported to DCDMV for all vehicles operated under WMATC Certificate No. 2956.

II. RESPONSE TO ORDER NO. 17,517

On March 30, 2018, respondent filed a new \$1.5 million WMATC Endorsement from Gateway Insurance Company, with an effective date of November 29, 2017, and an expiration date of November 29, 2018. The record shows that the five vehicles at issue have been reported to Gateway.

On March 29, 2018, respondent submitted evidence of cancelation of the duplicative Garrison Property and Casualty policy and evidence that the Gateway policy has been reported to DCDMV for respondent's WMATC vehicles.

III. CONCLUSION

Inasmuch as respondent has substantially satisfied the requirements of Order No. 17,517, this proceeding is hereby terminated.

IT IS SO ORDERED.

FOR THE COMMISSION:



William S. Morrow, Jr.
Executive Director