

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 17,573

IN THE MATTER OF:

Served April 20, 2018

PARAMED MEDICAL TRANSPORTATION, )  
INC., Trading as PARA-MED, WMATC )  
No. 206, Investigation of Violation )  
of Regulation Nos. 64-01, 64-02(b), )  
and 64-04 )

Case No. MP-2017-156

This matter is before the Commission on the response of respondent to Order No. 17,336, served December 5, 2017, which: (1) gave respondent 30 days to show cause why the Commission should not assess a civil forfeiture against respondent, or suspend or revoke Certificate No. 206, for violating certain of the Commission's safety requirements in Regulation No. 64; and (2) directed respondent to immediately bring its operations into compliance with those requirements.

**I. REGULATION NO. 64 REQUIREMENTS AT ISSUE**

Under Regulation Nos. 64-01 and 64-02(b) a carrier may not use a vehicle to transport passengers for hire unless that vehicle has passed a safety inspection within the preceding 12 months. Annual inspections of vehicles seating nine persons or more, including the driver, are governed by Regulation No. 64-01, which adopts the Federal Motor Carrier Safety Regulations, including the periodic inspection requirements in 49 C.F.R. § 396.17. Annual inspections of vehicles seating eight or fewer persons, including the driver, are governed by Regulation No. 64-02(b).

Under Regulation No. 64-04 a carrier may not use a vehicle to transport passengers for hire unless that vehicle has for-hire license plates.

**II. BACKGROUND**

Respondent's annual report for 2017 lists 17 vehicles in respondent's WMATC fleet as of January 18, 2017. A review of the report in August 2017 revealed that the Maryland license plate numbers entered in the report for 11 of the vehicles did not fit the format of any for-hire registration class. On August 17, 2017, Commission staff directed respondent to obtain for-hire license plates and submit the updated registrations on or before September 18, 2017. Staff also directed respondent to submit current vehicle safety inspection certificates for all such vehicles by the same date.

Respondent eventually responded on October 4, 2017, and by the end of the month had succeeded in submitting an updated vehicle list

of 22 vehicles, for-hire vehicle registration cards for eight of the 22, and current safety inspection certificates for seven. Respondent also produced registration cards for two vehicles not on the list - one for-hire and one not for-hire. The Commission had evidence of a 25th vehicle, bearing a for-hire plate, as well. Thus, as matters stood at the end of October 2017, 15 of respondent's vehicles had improper plates, and 18 were not covered by a current safety inspection certificate.

On December 5, 2017, when no further progress had been made, the Commission issued Order No. 17,336 directing respondent to immediately bring its vehicles into compliance with Commission Regulation No. 64 and giving respondent 30 days to show cause why the Commission should not assess a civil forfeiture against respondent or suspend or revoke Certificate No. 206.

### **III. RESPONSE TO ORDER NO. 17,336**

In response to Order No. 17,336, respondent has submitted a revised vehicle list showing 21 of the 25 vehicles that were in respondent's fleet when Order No. 17,336 was issued. According to records obtained by staff from the Maryland Motor Vehicle Administration, respondent returned the license plates for the four vehicles omitted from respondent's latest list.

Respondent also has submitted new for-hire vehicle registrations for 12 vehicles. This means that 21 of respondent's vehicles now have for-hire plates.

As for vehicle safety inspection certificates, respondent produced two new Maryland Vehicle Inspection Reports on January 5, 2018, bringing to nine the number of vehicles shown to have passed a safety inspection within the past 12 months. Safety inspection certificates for the other 16, including the four returned-plates vehicles, are still missing.

### **IV. OUT OF SERVICE ORDER**

Operation of a vehicle with an expired, invalid, or missing safety inspection sticker violates Article XI, Section 5(a), of the Compact,<sup>1</sup> specifically Regulation Nos. 64-01 and 64-02(b). Such a vehicle is presumptively unsafe.<sup>2</sup>

The appendix to this order identifies the 16 vehicles lacking a current safety inspection certificate. Those 16 vehicles are hereby ordered out of service. None of the 16 vehicles may be returned to service absent a Commission order or written notice from the Executive Director stating otherwise, which shall not issue except upon a

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<sup>1</sup> *In re First Choice Health Services LLC*, No. MP-11-075 Order No. 13,136 (Jan. 31, 2012).

<sup>2</sup> Order No. 13,136.

finding of compliance with Regulation No. 64-01 or Regulation No. 64-02(b), and with Regulation No. 64-04.

#### **V. OUT OF SERVICE REPORT**

In accordance with WMATC Rule No. 28, respondent shall submit a sworn statement within 30 days confirming that the 16 vehicles herein ordered out of service have been so removed. The statement shall identify the date of removal for each.

The statement also shall indicate whether any of the 25 vehicles in the appendix to this order were withheld from service at any time prior to the date of this order but after September 18, 2017, the deadline for producing safety inspection certificates, and, if so, the range of dates during which each such vehicle was withheld.

Respondent's statement shall be corroborated by copies of respondent's pertinent business records.

#### **VI. CONCLUSION**

Once respondent has submitted its out-of-service report and business records, we will address the issue of whether a civil forfeiture should be assessed and whether Certificate No. 206 should be suspended or revoked.

THEREFORE, IT IS ORDERED:

1. That the 16 vehicles identified in the appendix as lacking a current safety inspection certificate are hereby ordered out of service.

2. That none of the 16 vehicles lacking a current safety inspection certificate may be returned to service absent a Commission order or written notice from the Executive Director stating otherwise.

3. That within 30 days from the date of this order, respondent shall submit a sworn statement:

a) confirming that the 16 vehicles herein ordered out of service have been removed from service and identifying the date of removal for each; and

b) indicating which, if any, of the 25 vehicles in the appendix to this order were withheld from service at any time prior to the date of this order, but after September 18, 2017, and listing the dates that each such vehicle was withheld.

4. That within 30 days from the date of this order, respondent shall produce any and all books, papers, correspondence, memoranda, contracts, agreements, and other records and documents, including any and all stored electronically, that are within respondent's possession, custody or control and which relate to the transportation

of passengers for hire between points in the Metropolitan District during the period beginning September 19, 2017, and ending on the date of respondent's statement regarding removal of vehicles from WMATC service, including, but not limited to any and all:

- a. customer contracts and invoices;
- b. calendars and itineraries;
- c. trip logs.

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



William S. Morrow, Jr.  
Executive Director

Appendix to Order No. 17,573

Vehicles With For-Hire Plates

VIN	Plate	For Hire	Current Safety Cert	Out Of Service
1N6BFOLX4CN118122	63463B	Y	N	X
3C6TRVPG3FE520283	62446B	Y	N	X
1N6BFOLX2CN109760	63462B	Y	Y	
1N6BFOLX1CN109748	63461B	Y	Y	
1N6BFOLY3DN109566	62320B	Y	N	X
1N6BFOLYXDN109533	62319B	Y	Y	
1N6BFOLX2CN109600	62321B	Y	N	X
1N6BFOLX3CN109718	63071B	Y	Y	
1N6BFOLX6CN118025	63250B	Y	N	X
3C6TRVPG6FE520200	10999P	Y	N	X
3C6TRVPG8FE520294	61729B	Y	Y	
1N6BFOLX06N111085	63072B	Y	Y	
3C6TRVPG9FE520286	61794B	Y	N	X
3C6TRVPG4FE520275	61726B	Y	Y	
2D4RN3DG8BR626554	52947B	Y	N	X
2D4HN11E89R693233	63074B	Y	N	X
3C6TRVBG9FE500854	63073B	Y	Y	
1FDEE3FS2HDC29345	62447B	Y	N	X
3C6TRVPG5FE520222	10204P	Y	N	X
3C6TRVPG8FE520215	62445B	Y	N	X
1N6BFOLY4DN106790	63251B	Y	Y	

Vehicles With Returned Plates

VIN	Plate	For Hire	Current Safety Cert	Out Of Service
1FDWE35F51HA74538	None	N/A	N	X
2D4RN1AG5BR705527	None	N/A	N	X
2D4JN1AG9BR600924	None	N/A	N	X
1FDXE40F6XHA79872	None	N/A	N	X