

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 17,759

IN THE MATTER OF:

Served August 9, 2018

Application of VERONICA J FIGUEROA, )  
Trading as V. H. F PUBLIC )  
TRANSPORTATION, for a Certificate )  
of Authority -- Irregular Route )  
Operations )

Case No. AP-2018-093

Applicant seeks a certificate of authority to transport passengers in irregular route operations between points in the Metropolitan District, restricted to transportation in vehicles with a seating capacity of less than 16 persons only, including the driver. The application is unopposed.

The Compact, Title II, Article XI, Section 7(a), authorizes the Commission to issue a certificate of authority if it finds that the proposed transportation is consistent with the public interest and that the 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.

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.

Normally, such evidence would establish an applicant's fitness, but this applicant has a history of regulatory violations.

**I. HISTORY OF VIOLATIONS**

Applicant held WMATC Certificate of Authority No. 2781 from February 25, 2016, until December 6, 2017, when it was revoked for applicant's failure to maintain a WMATC Insurance Endorsement on file with the Commission as required by Regulation No. 58 and for applicant's failure to pay a \$100 late insurance fee.<sup>1</sup> This marked the

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<sup>1</sup> *In re Veronica J Figueroa, t/a V. H. F Public Transp.*, No. MP-17-148, Order No. 17,341 (Dec. 6, 2017).

second time within a year that Certificate No. 2781 was suspended for an insurance violation.<sup>2</sup>

The revocation order gave applicant 30 days to surrender Certificate No. 2781 and file a notarized affidavit and supporting photograph(s) verifying removal of WMATC markings from applicant's vehicle(s). Applicant did not comply.

## **II. LIKELIHOOD OF FUTURE COMPLIANCE**

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>3</sup>

Applicant's failure to maintain compliance with Regulation No. 58 and failure to pay the late insurance fee warranted revocation of Certificate No. 2781, and applicant's failure to respond to the revocation order by surrendering Certificate No. 2781 and confirming removal of vehicle markings persisted for several months. On the other hand applicant paid the outstanding insurance late fee and surrendered Certificate No. 2781 during the course of this proceeding. Applicant also filed a notarized statement confirming timely cessation of operations and explaining that her vehicle was repossessed on November 29, 2017. Applicant's statement is corroborated by records obtained from the Maryland Motor Vehicle Administration.

The Commission has found other applicants fit under similar circumstances.<sup>4</sup> Applicant shall serve a one year period of probation as a means of ensuring prospective compliance.<sup>5</sup>

## **III. CONCLUSION**

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 interest and that applicant is fit, willing, and able to perform the proposed transportation properly, conform to the provisions of the

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<sup>2</sup> See *In re Veronica J Figueroa, t/a V. H. F Public Transp.*, No. MP-17-006, Order No. 16,820 (Feb. 2, 2017).

<sup>3</sup> *In re Metro Transcare LLC*, No. AP-17-047, Order No. 17,193 at 3 (Sept. 8, 2017).

<sup>4</sup> See *id.* (timely cessation of operations and removal of vehicle markings); *In re Zion Found. for Citizens, Inc., t/a Zion Transp. Servs.*, No. AP-13-422, Order No. 14,606 (Feb. 26, 2014) (same); *In re Henka Int'l, Inc., t/a Worldwide Tours & Travel*, No. AP-03-184, Order No. 8035 (May 27, 2004) (no evidence of post-suspension operations and satisfactory accounting for vehicles and vehicle markings).

<sup>5</sup> See Order No. 17,193 (same); Order No. 14,606 (same).

Compact, and conform to the rules, regulations, and requirements of the Commission.

THEREFORE, IT IS ORDERED:

1. That upon applicant's timely compliance with the requirements of this order, Certificate of Authority No. 2781 shall be reissued to Veronica J Figueroa, trading as V. H. F Public Transportation, 5508 Karen Elaine Drive, #824, New Carrollton, MD 20784-4131.

2. That applicant may not transport passengers for hire between points in the Metropolitan District pursuant to this order unless and until Certificate No. 2781 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. 2781 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 grant of authority herein shall be void and the application shall stand denied upon applicant's failure to timely satisfy the conditions of issuance prescribed herein.

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



William S. Morrow, Jr.  
Executive Director