

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 17,862

IN THE MATTER OF:

Served October 12, 2018

Application of ASCENSION BUSINESS) Case No. AP-2018-152
CONSULTANTS, LLC, Trading as)
ALLRIDE MOBILITY TRANSPORT, for a)
Certificate of Authority --)
Irregular Route Operations)

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,¹ but applicant's owner, Mr. Timothy D. Traylor, was the president and CEO of JBT Enterprise, LLC, trading as Access Mobility Transportation, when its WMATC Certificate of Authority No. 1127 was suspended on May 5, 2007,² and revoked on July 20, 2007,³ for JBT's

¹ *In re Admiral Limo. Transp. Serv., Inc.*, No. AP-17-079, Order No. 17,194 (Sept. 8, 2017); *In re Cody Transp. Servs., Inc.*, No. AP-16-212, Order No. 16,911 (Mar. 28, 2017); *In re Et Tran, L.L.C.*, No. AP-16-151, Order No. 16,688 (Nov. 17, 2016); *In re Galaxy Limo. Servs., LLC*, No. AP-15-099, Order No. 16,044 (Dec. 11, 2015); *In re Ives Transp.-Sales Auto Repair (TSAR) LLC, t/a Ives*, No. AP-14-329, Order No. 15,488 (Apr. 7, 2015).

² *In re JBT Enter., LLC, t/a Access Mobility Transp.*, No. MP-07-087, Order No. 10,453 (May 7, 2007).

violation of the Commission's insurance requirements. The revocation order directed JBT to verify removal of WMATC markings from its vehicle(s) and surrender Certificate No. 1127 to the Commission, and noted that JBT owed a \$50 late fee.

When 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.⁴

Failure to comply with Commission insurance requirements is a serious offense, but Mr. Traylor confirms that JBT ceased operations in the Washington Metropolitan Area as of the suspension of Certificate No. 1127 in May 2007, and there is no evidence in the record to the contrary. In addition, Mr. Traylor has verified that all WMATC markings were removed from JBT's van, and Mr. Traylor has paid the late insurance fee owed to the Commission by JBT. Finally, Mr. Traylor states that he either surrendered Certificate No. 1127 to the Commission in 2007 or shredded it along with other business records.

The Commission has found other applicants fit under similar circumstances.⁵ Applicant shall serve a one year period of probation as a means of ensuring prospective compliance.⁶

Based on the evidence in this record, and in light of the one-year period of probation imposed 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 Compact, and conform to the rules, regulations, and requirements of the Commission.

³ *In re JBT Enter., LLC, t/a Access Mobility Transp.*, No. MP-07-087, Order No. 10,645 (July 20, 2007).

⁴ Order Nos. 17,194; 16,911; 16,688; 16,044; 15,488.

⁵ See Order No. 17,194 (timely cessation of affiliate operations, payment of outstanding affiliate fee, confirmation of vehicle markings removal, good cause for not surrendering affiliate certificate); Order No. 16,911 (timely cessation of affiliate operations, payment of outstanding affiliate fee, confirmation of vehicle markings removal); Order No. 16,688 (timely cessation of affiliate operations, pledge to pay outstanding affiliate fee, confirmation of no vehicle markings); Order No. 16,044 (timely cessation of affiliate operations, surrender of affiliate certificate, payment of outstanding affiliate fees, confirmation of no vehicle markings); Order No. 15,488 (timely cessation of affiliate operations, surrender of affiliate certificate, payment of outstanding affiliate fees).

⁶ See Order No. 17,194 (assessing one year of probation); Order No. 16,911 (same); Order No. 16,688 (same); Order No. 16,044 (same).

THEREFORE, IT IS ORDERED:

1. That upon applicant's timely compliance with the requirements of this order, Certificate of Authority No. 1127 shall be issued to Ascension Business Consultants, LLC, trading as Allride Mobility Transport, 905 Brick Manor Circle, Silver Spring, MD 20905-3818.

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 issued 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. 1127 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