

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 19,387

IN THE MATTER OF:

Served June 3, 2021

Application of ABUNDANT LIFE) Case No. AP-2021-027
RESIDENTIAL SERVICES INC. 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. If the applicant does not make the required showing, the application must be denied under Section 7(b).

An applicant for a certificate of authority must establish financial fitness, operational fitness, and regulatory compliance fitness.¹ A determination of compliance fitness is prospective in nature.² The purpose of the inquiry is to protect the public from those whose conduct demonstrates an unwillingness to operate in accordance with regulatory requirements.³ Past violations do not necessarily preclude a grant of authority but permit the inference that violations will continue.⁴

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

¹ *In re George Towne Trolley Tours & Transp. LLC*, No. AP-17-135, Order No. 17,335 (Dec. 5, 2017).

² *Id.*

³ *Id.*

⁴ *Id.*

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,⁵ but this applicant has a history of regulatory violations.

I. HISTORY OF VIOLATIONS

Applicant previously held WMATC Certificate No. 1155 from May 11, 2006, to July 5, 2007, when it was revoked for applicant's willful failure to maintain compliance with the Commission's insurance requirements in Regulation No. 58 and willful failure to pay a \$50 late fee in accordance with Regulation No. 67-03(c).⁶ The revocation order stipulated that the \$50 late fee would remain due and directed applicant to remove the identification markings from its vehicles, file an affidavit and supporting photographs verifying removal of those markings, and surrender Certificate No. 1155 within 30 days. The Commission has no record that applicant has paid the outstanding late fee or complied with the terms of the revocation order.

II. LIKELIHOOD OF FUTURE COMPLIANCE

When an applicant has a record of violations, the Commission considers the following factors in assessing the likelihood of future compliance: (1) the nature and extent of the violations, (2) any mitigating circumstances, (3) whether the violations were flagrant and persistent, (4) whether applicant has made sincere efforts to correct its past mistakes, and (5) whether applicant has demonstrated a willingness and ability to comport with the Compact and rules and regulations thereunder in the future.⁷

Applicant's failure to maintain compliance with the Commission's insurance requirements and pay the \$50 late fee was deemed serious enough to warrant revocation of Certificate No. 1155 and the Commission has no record that applicant has paid the outstanding late fee, verified removal of vehicle markings, and surrendered Certificate No. 1155.

It is difficult to view the likelihood of applicant's future compliance with regulatory requirements in a favorable light when applicant has yet to comply with the simple steps outlined in the previous revocation order. We find no evidence of mitigating circumstances or sincere efforts to correct these past mistakes.

⁵ *Id.*

⁶ *In re Abundant Life Residential Servs., Inc., t/a Just Ride*, No. MP-07-063, Order No. 10,604 (July 5, 2007).

⁷ *In re Addis Transp., Inc.*, No. AP-11-111, Order No. 13,114 (Jan. 10, 2012) at 5-6.

III. CONCLUSION

On this record, we cannot say that applicant has carried its burden of establishing regulatory compliance fitness.

THEREFORE, IT IS ORDERED: that the application of Abundant Life Residential Services Inc. for a certificate of authority, irregular route operations, is hereby denied without prejudice.

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

A handwritten signature in blue ink that reads "Jeffrey M. Lehmann". The signature is fluid and cursive, with the first name "Jeffrey" being the most prominent.

Jeffrey M. Lehmann
Executive Director