

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 19,389

IN THE MATTER OF:

Served June 3, 2021

Application of RING & RIDE, LLC,)
for a Certificate of Authority --)
Irregular Route Operations)

Case No. AP-2021-043

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 was first issued Certificate No. 1683, under its former name, Home Health Transportation Services, LLC, on November 2, 2010, and the certificate has been revoked five times. It was revoked in 2011 and 2012 in proceedings involving insurance violations,¹ but was subsequently

¹ *In re Home Health Transp. Servs., LLC*, No. MP-11-092, Order No. 13,080 (Dec. 13, 2011); *In re Home Health Transp. Servs., LLC*, No. MP-12-099, Order No. 13,642 (Dec. 26, 2012).

reinstated each time.² Certificate No. 1683 was revoked again in 2013 for failure to comply with the Commission's annual report and fee requirements.³ Applicant reapplied for operating authority three times and Certificate No. 1683 was eventually reissued in August 2016.

Certificate No. 1683 was revoked again in March 2020 for failure to pay an insurance late fee,⁴ but was subsequently reinstated after applicant later paid the late fee.⁵ In that proceeding, Certificate No. 1683 was rendered invalid on February 24, 2020, when the \$1.5 million primary WMATC Insurance Endorsement on file terminated without replacement. While applicant later filed a replacement endorsement, the replacement endorsement did not take effect until February 26, 2020, instead of February 24, 2020, leaving a 2-day gap in required insurance coverage. Accordingly, the reinstatement order directed applicant to submit a statement verifying cessation of operations as of February 24, 2020, and to produce corroborating business records. Applicant failed to comply and consequently, in January of this year, the Commission assessed a \$250 civil forfeiture against applicant and again revoked Certificate No. 1683.⁶

II. LIKELIHOOD OF FUTURE COMPLIANCE

When an applicant has a record of violations, 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 applicant has made sincere efforts to correct 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 verify cessation of operations and produce business records as directed warranted revocation of Certificate No. 1683. On the other hand, subsequent to the most recent revocation order, applicant produced a statement verifying, "[w]e did not have any transportation operations that were conducted from 2-24-2020 to 4-8-2020, as a matter of fact, there were none, for the entire year of 2020 and beyond." Elsewhere in the statement, applicant further states that it has not yet restarted operations. Applicant also produced business records which corroborate its statement and paid the \$250 civil

² *In re Home Health Transp. Servs., LLC*, No. MP-11-092, Order No. 13,099 (Dec. 29, 2011); *In re Home Health Transp. Servs., LLC*, No. MP-12-099, Order No. 13,728 (Feb. 5, 2013).

³ *In re Home Health Transp. Servs., LLC*, No. MP-12-099, Order No. 14,186 (Aug. 26, 2013).

⁴ *In re Ring & Ride, LLC*, No. MP-20-027, Order No. 18,745 (Mar. 27, 2020).

⁵ *In re Ring & Ride, LLC*, No. MP-20-027, Order No. 18,765 (Apr. 8, 2020).

⁶ *In re Ring & Ride, LLC*, No. MP-20-027, Order No. 19,225 (Jan. 27, 2021).

⁷ *In re TSTG, LLC, t/a TNT Transp.*, No. AP-18-084, Order No. 17,758 at 2 (Aug. 9, 2018).

forfeiture. Applicant belatedly complied with the revocation order by submitting a notarized affidavit and supporting photographs evidencing removal of WMATC markings from applicant's vehicle and submitting a signed statement that Certificate No. 1683 cannot be located.

Applicant has complied with outstanding Commission requirements and there is no evidence in the record of post-suspension or post-revocation operations within the Metropolitan District, or other unauthorized operations. Under these circumstances, we shall approve this application. Applicant shall, however, serve a 1-year period of probation as a means of ensuring prospective compliance.⁸

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 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. 1683 shall be issued to Ring & Ride, LLC, 9121 Persimmon Tree Road, Potomac, MD 20854-4323.

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. 1683 in accordance with the terms of this order and that a willful violation of

⁸ See *In re Vanmar, Inc.*, No. AP-19-118, Order No. 18,428 (Oct. 16, 2019) (same).

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 HOLCOMB, RICHARD, AND LOTT:



Jeffrey M. Lehmann
Executive Director