

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 19,621

IN THE MATTER OF:

Served November 29, 2021

EDGE WAY INCORPORATION, Trading as )  
EDGE WAY TRANSPORTATION, Suspension )  
and Investigation of Revocation of )  
Certificate No. 1812 )

Case No. MP-2021-091

This matter is before the Commission on respondent's response to Order No. 19,489, served August 26, 2021.

**I. BACKGROUND**

Under the Compact, a WMATC carrier may not engage in transportation subject to the Compact if the carrier's certificate of authority is not "in force."<sup>1</sup> A certificate of authority is not valid unless the holder is in compliance with the Commission's insurance requirements.<sup>2</sup>

Commission Regulation No. 58 requires respondent to insure the revenue vehicles operated under Certificate No. 1812 for a minimum of \$1.5 million in combined-single-limit liability coverage and maintain on file with the Commission at all times proof of coverage in the form of a WMATC Certificate of Insurance and Policy Endorsement (WMATC Insurance Endorsement) for each policy comprising the minimum.

Certificate No. 1812 was rendered invalid on August 21, 2021, when the \$1.5 million primary WMATC Insurance Endorsement on file for respondent terminated without replacement. Order No. 19,484, served August 23, 2021, noted the automatic suspension of Certificate No. 1812 pursuant to Regulation No. 58-12, directed respondent to cease transporting passengers for hire under Certificate No. 1812, and gave respondent 30 days to replace the terminated endorsement and pay the \$100 late fee due under Regulation No. 67-03(c) or face revocation of Certificate No. 1812.

Respondent thereafter paid the late fee and submitted a \$1.5 million primary WMATC Insurance Endorsement, and the suspension was lifted in Order No. 19,489. However, because the effective date of the new endorsement is August 24, 2021, instead of August 21, 2021, leaving a 3-day gap in required insurance coverage, the order gave respondent 30 days to verify cessation of operations from August 21, 2021, to August 26, 2021, in accordance with Regulation No. 58-14(a). The order further

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<sup>1</sup> Compact, tit. II, art. XI, § 6(a).

<sup>2</sup> Compact, tit. II, art. XI, § 7(g).

directed respondent to corroborate its verification with copies of respondent's pertinent business records from June 1, 2021, to August 26, 2021, and written statements from Medical Transportation Management, Inc., (MTM), and Access2Care, LLC, (A2C), two of respondent's principal clients of record.

## **II. RESPONSE TO ORDER NO. 19,489**

On September 15, 2021, respondent produced a statement of its owner, Olamiyo Olayoriju, asserting that respondent ceased "all operation in the metropolitan district August 21<sup>st</sup> 2021 to August 27<sup>th</sup> 2021." The statement is accompanied by copies of respondent's bank statements for the period beginning June 1, 2021, and ending September 14, 2021. In addition, respondent also produced two letters from MTM, dated August 31, 2021, and September 13, 2021, and copies of email correspondence with A2C, dated August 27, 2021. Lastly, respondent produced daily trip logs for the period beginning May 26, 2021, and ending August 20, 2021.

Respondent's response is lacking. The MTM letters are unsigned and do not state whether respondent transported passengers within the Metropolitan District on behalf of MTM from August 21, 2021, to August 26, 2021. The A2C e-mail correspondence is not a signed statement and does not explicitly state whether respondent transported passengers within the Metropolitan District on behalf of A2C from August 21, 2021, to August 26, 2021. In addition, respondent has not produced any invoices, remittance advices, or other records that link the payments received by respondent from MTM and A2C to the specific dates of trips for which those payments were made.

## **III. ORDER TO SHOW CAUSE**

Regulation No. 58-14(b) states that upon the failure of a carrier to comply timely with the requirements of Regulation No. 58-14(a), "the Executive Director shall issue an order directing the carrier to show cause why a civil forfeiture should not be assessed against the carrier and/or why the carrier's operating authority should not be suspended or revoked."

Pursuant to Regulation No. 58-14(b), respondent shall have 30 days to show cause why the Commission should not assess a civil forfeiture against respondent, and/or suspend or revoke Certificate No. 1812, for knowingly and willfully conducting operations under an invalid/suspended certificate of authority and failing to produce documents as directed.

THEREFORE, IT IS ORDERED:

1. That respondent shall have 30 days to show cause why the Commission should not assess a civil forfeiture against respondent, and/or suspend or revoke Certificate No. 1812, for knowingly and willfully violating Article XI, Section 6(a) of the Compact, Regulation No. 58, and the orders issued in this proceeding.

2. That respondent may submit within 15 days from the date of this order a written request for oral hearing, specifying the grounds for the request, describing the evidence to be adduced and explaining why such evidence cannot be adduced without an oral hearing.

FOR THE COMMISSION:



Jeffrey M. Lehmann  
Executive Director