

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 19,688

IN THE MATTER OF:

Served February 2, 2022

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. 19,621, served November 29, 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."¹ A certificate of authority is not valid unless the holder is in compliance with the Commission's insurance requirements.²

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 automatically suspended 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, served August 26, 2021. 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

¹ Compact, tit. II, art. XI, § 6(a).

² Compact, tit. II, art. XI, § 7(g).

No. 58-14(a). The order further 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.

In response to Order No. 19,489, respondent produced a statement of its owner, Olamiyo Olayoriju, asserting that respondent ceased "all operation in the metropolitan district August 21st 2021 to August 27th 2021." The statement was 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.

In Order No. 19,621, we found respondent's response deficient because the MTM letters were unsigned and did not state whether respondent transported passengers within the Metropolitan District on behalf of MTM from August 21, 2021, to August 26, 2021. Further, the A2C email correspondence was not a signed statement and did not explicitly state whether respondent transported passengers within the Metropolitan District on behalf of A2C from August 21, 2021, to August 26, 2021.

In accordance with Regulation No. 58-14(b), Order No. 19,621 gave respondent 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.

II. RESPONSE AND FINDINGS

On December 9, 2021, as supplemented on December 20, 2021, respondent produced letters from MTM and A2C. The MTM letter, dated December 9, 2021, indicates that respondent "did not perform any services for MTM between August 21, 2021 to August 26, 2021." The A2C letter, also dated December 9, 2021, states that respondent "did not render transportation services for [A2C] between the dates of August 21, 2021 to August 27, 2021."

On this record, we find that respondent has shown cause why the Commission should not assess a civil forfeiture or suspend or revoke Certificate No. 1812.

Accordingly, this investigation is hereby terminated.

IT IS SO ORDERED.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS RICHARD AND LOTT:

A handwritten signature in blue ink that reads "Jeffrey M. Lehmann". The signature is written in a cursive style with a large, stylized "J" and "L".

Jeffrey M. Lehmann
Executive Director