

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 19,785

IN THE MATTER OF:

Served June 7, 2022

Application of MDA LUXURY )  
TRANSPORTATION, LLC, for a ) Case No. AP-2022-014  
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, but this applicant has a history of regulatory violations.

**I. HISTORY OF VIOLATIONS**

Applicant held WMATC Certificate of Authority No. 3105 from February 9, 2018, until October 23, 2020, when it was revoked for applicant's failure to pay a \$100 late insurance fee under Regulation No. 67-03(c).<sup>1</sup> The revocation order noted that the \$100 late fee would remain due and gave applicant 30 days to surrender Certificate No. 3105 and file a notarized affidavit and supporting photograph(s) verifying

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<sup>1</sup> *In re MDA Luxury Transp., LLC*, No. MP-20-087, Order No. 19,094 (Oct. 23, 2020).

removal of WMATC markings from applicant's vehicle(s). Applicant did not comply within the time allowed.

Prior to the events in 2020, Certificate No. 3105 was suspended one other time for an insurance violation.<sup>2</sup>

## 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 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.<sup>3</sup>

Applicant's failure to pay the late insurance fee warranted revocation of Certificate No. 3105, and applicant's failure to respond to the revocation order persisted for several months. On the other hand, prior to submitting the instant application, applicant belatedly paid the late insurance fee, surrendered Certificate No. 3105, and accounted for the markings on its vehicle.

Applicant states it ceased operations in March 2020, but resumed operations on March 9, 2021, while Certificate No. 3105 was revoked. However, Commission records show that applicant is located in Virginia and possesses intra-Virginia contract passenger carrier authority. Under the Compact, "transportation solely within the Commonwealth of Virginia" is excluded from WMATC jurisdiction.<sup>4</sup> The record contains no evidence that applicant conducted unauthorized post-suspension or post-revocation operations within the Metropolitan District, and appears consistent with applicant's resumed operations being conducted pursuant to applicant's Virginia passenger carrier authority.

The Commission has found other applicants fit under similar circumstances.<sup>5</sup> Applicant shall serve a 1-year period of probation as a means of ensuring prospective compliance.<sup>6</sup>

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<sup>2</sup> *In re MDA Luxury Transp., LLC*, No. MP-18-082, Order No. 17,625 (May 18, 2018).

<sup>3</sup> *In re Freestate Transp., L.L.C.*, No. AP-20-119, Order No. 18,999 at 2 (Sept. 21, 2020).

<sup>4</sup> Compact, tit. II, art. XI, §3(g).

<sup>5</sup> See, e.g., *In re Galaxy Limo. Servs., LLC*, No. AP-15-099, Order No. 16,044 (Dec. 11, 2015) (timely cessation of affiliate operations, surrender of affiliate certificate, payment of outstanding affiliate fees, confirmation of no vehicle markings); *In re Henka Int'l, Inc., t/a Worldwide Tours & Travel*, No. AP-03-184, Order No. 8035 (May 27, 2004) (no evidence of post-suspension operations and satisfactory accounting for vehicles and vehicle markings).

<sup>6</sup> See Order No. 16,044 (same); Order No. 8035 (same).

### 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. 3105 shall be issued to MDA Luxury Transportation, LLC, 455 S. Maple Avenue, #504, Falls Church, VA 22046-4283.

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. 3105 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 AND LOTT:

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

Jeffrey M. Lehmann  
Executive Director