

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 19,864

IN THE MATTER OF:

Served August 16, 2022

Application of PEOPLE HELPING)
OTHERS TRANSPORTATION LLC for a) Case No. AP-2022-071
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 applicant's co-owner, Clarence Pollard, has a history of controlling a company with regulatory violations.

I. HISTORY OF VIOLATIONS

Applicant's co-owner is the husband of Justina L. Pollard, who held WMATC Certificate No. 616 under the trade name P.H.O. from June 19, 2001, until February 16, 2005, when it was revoked in Order No. 8558 for P.H.O.'s willful failure to comply with the Commission's insurance regulation, Regulation No. 58.¹ Clarence Pollard's spousal relationship with Justine Pollard raises the

¹ *In re Justina L. Pollard, t/a P.H.O.*, No. MP-04-216, Order No. 8558 (Feb. 16, 2005).

presumption that he controlled P.H.O. at the time of P.H.O.'s violations.² That presumption is bolstered by Clarence Pollard having identified himself as "president" of P.H.O. in a tariff and annual report that he signed and filed on behalf of P.H.O. in 2004.³

Subsequent to the events in 2004, two other entities controlled by Clarence Pollard filed applications for operating authority. Mr. Pollard was president of People Helping Others Transportation, Inc., when it applied in 2005, but the application was dismissed after People Helping Others Transportation, Inc., failed to produce business records relating to the operations of an affiliate, P.H.O. Transportation LLC, and copies of registrations for the vehicles listed in the application.⁴ Mr. Pollard was also president of Metropolitan Transportation, Inc., when it applied in 2009, but that application also was dismissed without prejudice for want of prosecution after the applicant failed to file a statement regarding its willingness and ability to comply with Commission requirements.⁵

II. LIKELIHOOD OF FUTURE COMPLIANCE

When an applicant or a person controlling an applicant has a record of regulatory violations, or a history of controlling companies with such a record, 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.⁶

The violations listed above were serious enough to warrant revocation of Certificate No. 616. On the other hand, Commission records indicate that after the revocation, Carrier No. 616 belatedly satisfied its outstanding obligations to file an annual report for 2004 and pay the \$100 annual fee for 2005. Furthermore, unlike in the two previous application proceedings involving companies controlled by Mr. Pollard,

² See *In re AN Transp. LLC*, No. AP-19-175, Order No. 19,223 (Jan. 27, 2021) (finding common control based on spousal relationship of applicant's sole officer and owner with former WMATC carrier); *In re Ontime Transp. Inc.*, No. AP-00-018, Order No. 5866 (Apr. 21, 2000) ("A presumption of common control arises where an officer of one carrier is closely related to an officer of another carrier.").

³ *In re People Helping Others Transp., Inc.*, No. AP-05-17, Order No. 8623 (Apr. 4, 2005).

⁴ *In re People Helping Others Transp., Inc.*, No. AP-05-017, Order No. 9812 (Aug. 9, 2006).

⁵ *In re Metro. Transp., Inc.*, No. AP-09-032, Order No. 12,292 (Jan. 22, 2010).

⁶ *In re Metro Transcare LLC*, No. AP-17-047, Order No. 17,193 at 3 (Sept. 8, 2017).

applicant has timely responded to Commission inquiries for supplemental information necessary for a full and fair determination of this application, which is some evidence of efforts to correct past mistakes and a willingness and ability to comply with Commission requirements.

Having considered the factors enumerated above, we find that applicant has met its burden on the issue of fitness to serve the public and we shall approve this application. Applicant, however, shall serve a 1-year period of probation as a means of ensuring prospective compliance.⁷

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. 616 shall be issued to People Helping Others Transportation LLC, 1630 Columbia Road, N.W., #403, Washington, DC 20009-3647.

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 issuance of Certificate No. 616 in

⁷ See, e.g., *In re Galaxy Limo. Servs., LLC*, No. AP-15-099, Order No. 16,044 (Dec. 11, 2015) (same); *In re Henka Int'l, Inc., t/a Worldwide Tours & Travel*, No. AP-03-184, Order No. 8035 (same).

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:



Jeffrey M. Lehmann
Executive Director