

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 19,964

IN THE MATTER OF:

Served November 4, 2022

BOSS TRANSPORT & TRUCKING, LLC,)
Trading as BOSS TRANSPORT & FAMILY)
SERVICES LLC, Suspension and)
Investigation of Revocation of)
Certificate No. 3350)

Case No. MP-2022-043

This matter is before the Commission on the response of respondent to Order No. 19,934, served October 13, 2022, revoking Certificate No. 3350 pursuant to Regulation No. 58-15(a), for respondent's willful failure to maintain on file with the Commission proof of \$1.5 million in combined-single-limit, motor vehicle liability insurance as required by Commission Regulation No. 58 and willful failure to pay a \$100 late fee under Regulation No. 67-03(c).

Respondent filed the necessary WMATC Insurance Endorsement on October 26, 2022, and tendered payment of the late fee and an application for reconsideration of Order No. 19,934 on November 2, 2022.

I. REINSTATEMENT

Under Regulation No. 58-15(b), if a carrier's authority is revoked for failure to comply with Regulation No. 58, or an order issued thereunder, the Executive Director shall reopen the proceeding and reinstate said authority if the following two conditions are met: (i) the carrier files a timely application for reconsideration in accordance with Rule No. 27; and (ii) the application is supported by the necessary Endorsement(s) and by payment of the late fee under Regulation No. 67-03(c); provided, that reinstatement shall not be available if the carrier's WMATC operating authority stands revoked for other reasons, as well.

Respondent's request was filed within the 30-day deadline established for seeking reconsideration under Rule No. 27; the request is supported by the necessary Endorsement(s) and by payment of the late fee under Regulation No. 67-03(c); and Certificate No. 3350 does not stand revoked for any other reason. Accordingly, this proceeding is hereby reopened, and Certificate of Authority No. 3350 is hereby reinstated.

II. CONTINUATION OF INVESTIGATION

As noted in Order No. 19,889, issued in this proceeding on September 12, 2022, respondent's \$500,000, excess of \$1 million, WMATC Insurance Endorsement expired without replacement on September 11, 2022, and Certificate No. 3350 became automatically suspended under Regulation

No. 58-12 as a result. On September 16, 2022, respondent filed a replacement \$500,000 excess endorsement effective September 11, 2022, and expiring September 24, 2022, but failed to pay the insurance late fee and Certificate No. 3350 remained suspended. On September 24, 2022, the \$500,000 excess WMATC Insurance Endorsement terminated once again, and Certificate No. 3350 was subsequently revoked on October 13, 2022, in Order No. 19,934. On October 26, 2022, respondent filed another \$500,000 excess WMATC Insurance Endorsement, but the effective date of this endorsement is October 11, 2022, instead of September 24, 2022, the date on which coverage terminated under the previous excess WMATC Insurance Endorsement, leaving a 17-day gap in required insurance coverage.

Under Regulation No. 58-14(a):

If a carrier's operating authority is suspended under Regulation No. 58-12 and the effective date of a later-filed replacement Endorsement falls after the automatic suspension date, the carrier must verify timely cessation of operations in accordance with Commission Rule No. 28 and corroborate the verification with client statements and/or copies of pertinent business records, as directed by Commission order.

In accordance with Regulation No. 58-14(a), respondent will be directed to submit a statement verifying cessation of operations as of September 11, 2022. The statement shall be corroborated by copies of respondent's pertinent business records and by written statements from Access2Care, LLC, and Modivcare Inc., two of respondent's principal clients of record, verifying timely cessation of operations.

THEREFORE, IT IS ORDERED:

1. That this proceeding is reopened under Commission Regulation No. 58-15(b).

2. That Certificate No. 3350 is hereby reinstated.

3. That in accordance with Commission Regulation No. 58-14(a), respondent shall, within 30 days from the date of this order, verify whether it ceased all operations in the Metropolitan District from September 11, 2022, to the date of this order.

4. That within 30 days from the date of this order, respondent shall produce statements from Acces2Care, LLC, and Modivcare Inc., indicating whether respondent ceased its operations in the Metropolitan District on behalf of these respective entities from September 11, 2022, to the date of this order.

5. That within 30 days from the date of this order, respondent shall produce any and all books, papers, correspondence, memoranda, contracts, agreements, and other records and documents, including any

and all stored electronically, that are within respondent's possession, custody or control and which relate to the transportation of passengers for hire between points in the Metropolitan District during the period beginning June 1, 2022, and ending on the date of this order, including, but not limited to any and all:

- a. customer contracts and invoices;
- b. calendars and itineraries;
- c. bank and credit card statements.

FOR THE COMMISSION:



Jeffrey M. Lehmann
Executive Director