

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 20,001

IN THE MATTER OF:

Served December 6, 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 respondent's failure to respond to Order No. 19,964, served November 4, 2022.

**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. 3350 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. 3350 was rendered invalid on September 11, 2022, when respondent's \$500,000, excess of \$1 million, WMATC Insurance Endorsement expired without replacement. Order No. 19,889, served September 12, 2022, noted the automatic suspension of Certificate No. 3350 pursuant to Regulation No. 58-12, directed respondent to cease transporting passengers for hire under Certificate No. 3350, 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. 3350.

On September 16, 2022, respondent filed a replacement \$500,000 excess endorsement effective September 11, 2022, and expiring September 24, 2022, but respondent 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

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

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

Certificate No. 3350 was subsequently revoked on October 13, 2022, in Order No. 19,934.

On October 26, 2022, respondent submitted the necessary excess WMATC Insurance Endorsement, and on November 2, 2022, respondent paid the late fee and filed a timely application for reconsideration of Order No. 19,934, and Certificate No. 3350 was reinstated on November 4, 2022, in Order No. 19,964, in accordance with Regulation No. 58-15(b).

However, because the effective date of respondent's October 26 replacement \$500,000 excess WMATC Insurance 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, the reinstatement order gave respondent 30 days to verify cessation of operations from September 11, 2022, to November 4, 2022, in accordance with Regulation No. 58-14(a). The statement was to be corroborated by copies of respondent's pertinent business records from June 1, 2022, to November 4, 2022, and written statements from Access2Care, LLC, and Modivcare Inc., two of respondent's principal clients of record.

Respondent has yet to respond to Order No. 19,964.

## **II. 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. 3350, 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. 3350, 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:

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

Jeffrey M. Lehmann  
Executive Director