

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 20,055

IN THE MATTER OF:

Served January 25, 2023

Application of EVOLVE)
TRANSPORTATION SERVICES INC for a)
Certificate of Authority --)
Irregular Route Operations)

Case No. AP-2022-146

This matter is before the Commission on applicant's response to Order No. 19,970, served November 8, 2022, which dismissed this proceeding for applicant's failure to comply with the Commission's application requirements. Applicant has filed a request to reopen this proceeding.

I. CAUSE FOR DISMISSAL AND GROUNDS FOR REOPENING

Under the Compact, an application to obtain a certificate of authority shall be made in writing, verified, and shall contain the information required by the application form and accompanying instructions.¹ An applicant may be required to furnish any supplemental information necessary for a full and fair examination of the application.² Failure to comply with the Commission's application requirements warrants dismissal.³

By email sent October 21, 2022, applicant was required to furnish supplemental information on or before November 4, 2022, pursuant to Commission Regulation No. 54-04(b). Applicant failed to respond. Accordingly, the application was dismissed November 8, 2022.

On November 25, 2022, applicant filed a request to reopen this proceeding. The request is accompanied by the required information. For good cause shown, this proceeding shall be reopened under Commission Rule No. 26.⁴

II. APPLICATION

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

¹ Compact, tit. II, art. XI, § 8; Regulation No. 54-02.

² Regulation No. 54-04(b).

³ *In re One, LLC, t/a Bon Voyage*, No. AP-04-103, Order No. 8212 (Aug. 5, 2004).

⁴ See *In re Abdelrazig Hassan Shawkat*, No. AP-13-076, Order No. 13,865 (Apr. 12, 2013) (same).

seating capacity of less than 16 persons only, including the driver. The application is unopposed.

According to Commission records, applicant's owner, Folashade Brown was the owner of Evolve Healthcare Services Incorporated, which held WMATC Certificate of Authority No. 3399 from November 6, 2020, to June 3, 2021, when it was revoked for Evolve Healthcare's failure to comply with the Commission's annual report and annual fee requirements.⁵

Applicant applied to obtain a certificate of authority in 2021. The record in that proceeding was supported by evidence that Evolve Healthcare had filed its outstanding 2021 annual report and paid its outstanding 2021 annual fee and had belatedly responded to the revocation order. The application was conditionally approved last year contingent on applicant filing additional documents and passing a vehicle inspection conducted by Commission staff, and subject to applicant serving a year of probation commencing with the reissuance of Certificate No. 3399.⁶ Applicant failed to satisfy the conditions for issuance of operating authority within the time allotted, thereby voiding the Commission's approval.⁷ The result was that Certificate No. 3399 was not reissued, and the period of probation did not commence.

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.

There is no evidence in this record to disturb the Commission's finding of applicant's fitness in 2022, but inasmuch as applicant has yet to serve the 1-year period of probation stipulated in 2022, and

⁵ *In re Evolve Healthcare Servs. Inc.*, No. MP-21-067, Order No. 19,390 (June 3, 2021).

⁶ *In re Evolve Transp. Servs. Inc.*, No. AP-21-150, Order No. 19,690 (Feb. 9, 2022).

⁷ See *id.* (grant of authority void upon applicant's failure to timely satisfy conditions of issuance); Commission Regulation No. 66-01 (failure to comply with conditions of grant within 180 days voids approval).

provided that applicant satisfies the conditions of issuance stated herein, a 1-year period of probation shall commence upon issuance of Certificate No. 3399 in this proceeding consistent with the stipulation in 2022.⁸

Accordingly, based on the evidence in this record, and in consideration of 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 this proceeding is hereby reopened under Commission Rule No. 26.

2. That upon applicant's timely compliance with the requirements of this order, Certificate of Authority No. 3399 shall be issued to Evolve Transportation Services Inc, 6230 3rd Street, N.W., #12, Washington, DC 20011-1300.

3. 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.

4. 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.

5. That applicant shall be placed on probation for a period of 1 year commencing with the issuance of Certificate No. 3399 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

⁸ See *In re Osama Ahmed Elkhairy, t/a Sam's Transit*, No. AP-22-055, Order No. 19,863 (Aug. 16, 2022) (re-stipulating 1-year probation period).

immediate suspension and/or revocation of applicant's operating authority without further proceedings, regardless of the nature and severity of the violation.

6. 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 that reads "Jeffrey M. Lehmann". The signature is fluid and cursive, with the first name "Jeffrey" being the most prominent.

Jeffrey M. Lehmann
Executive Director