

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 20,183

IN THE MATTER OF:

Served May 8, 2023

Application of DISTRICT LINE) Case No. AP-2023-041
TRANSPORTATION LLC for a)
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 president, Husam Gangal, has a history of regulatory violations.

I. HISTORY OF VIOLATIONS

Mr. Gangal held WMATC Certificate of Authority No. 620 from August 7, 2001, until January 29, 2004, when it was revoked for operating while suspended and uninsured in knowing and willful violation of Article XI, Section 6(a) of the Compact and Order No. 7469 and for failure to comply with the Commission's annual report filing requirements.¹ Prior to revocation, Mr. Gangal was assessed a \$100 civil forfeiture by

¹ *In re Husam Gaafar Osman Gangal, t/a Samar Med. Trans*, No. MP-03-113, Order No. 7717 (Jan. 29, 2004).

Commission Order No. 7525 for willful failure to file a complete annual report for 2002,² and assessed a \$100 civil forfeiture by Commission Order No. 7690 for willful failure to comply with Article XI, Section 14, of the Compact, which requires each carrier to charge only those rates and fares specified in a tariff filed by the carrier under the Compact and in effect at the time.³

II. LIKELIHOOD OF FUTURE COMPLIANCE

When a person controlling an applicant has a record of 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.⁴

Mr. Gangal's failure to comply with the Commission's insurance, annual report, and tariff requirements demonstrated a pattern of violations. Furthermore, few violations are more serious than operating without authority. We regard the violations as flagrant, but not persistent. Mr. Gangal seeks to deflect blame by stating the unauthorized operations that occurred in 2003 were performed by a business partner without his knowledge. However, as a sole proprietor holding WMATC authority, Mr. Gangal was ultimately responsible for ensuring all operations by those working on his behalf complied with Commission requirements. Accordingly, we find no mitigating circumstances.

On the other hand, the recent belated payment of the outstanding civil forfeitures demonstrates an effort to correct past mistakes. Significantly, there is no evidence in the record of any violations of the Compact by applicant's president during the intervening 19 years. The Commission has found other applicants fit under similar circumstances.⁵ Applicant, however, shall serve a 1-year period of probation as a means of ensuring prospective compliance.⁶

² See *id.*

³ See *In re Husam Gaafar Osman Gangal, t/a Samar Med. Trans*, No. MP-04-034, Order No. 7797 (Feb. 26, 2004).

⁴ *In re Admiral Limo. Transp. Serv., Inc.*, No. AP-17-079, Order No. 17,194 at 2 (Sept. 8, 2017).

⁵ See *In re Madison Limo. Serv., Inc.*, No. AP-96-018, Order No. 4857 (May 22, 1996) (approving application where there was no evidence in the record of any violations of the Compact for a 4-year period following prior unauthorized operations).

⁶ See *In re Wholistic Transp. LLC*, No. AP-19-083, Order No. 18,277 (July 19, 2019) (prescribing 1-year probation period).

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. 620 shall be issued to District Line Transportation LLC, 1160 1st Street, N.E., #PH20, Washington, DC 20002-4881.

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. 620 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 initial "J".

Jeffrey M. Lehmann
Executive Director