

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 6729

IN THE MATTER OF:

Served July 11, 2002

SMA TRANSPORTATION SERVICE)
INCORPORATED, WMATC No. 584,)
Investigation of Violation of)
Regulations Nos. 61 and 62)

Case No. MP-2002-52

On April 12, 2002, the Commission became aware that SMA Transportation Service Incorporated (SMA), WMATC No. 584, was operating a vehicle owned by another WMATC carrier, Rad Akorli, trading as T.R. Transportation Service, WMATC No. 541.¹ Commission Regulation No. 62 requires each carrier that leases a vehicle to file a copy of the lease with the Commission, but no lease from Akorli to SMA could be found in the Commission's files.

On April 15, 2002, Commission staff sent a letter to SMA directing SMA to present all of its revenue vehicles for inspection. A vehicle list from SMA's insurance company shows SMA operating three vehicles, but the list does not include the Akorli vehicle. So far, SMA has only presented the Akorli vehicle for inspection.

SMA presented the Akorli vehicle for inspection on April 25, 2002, after filing a lease on April 18. According to staff, the vehicle markings were not in compliance with Regulation No. 61. That regulation requires each WMATC carrier to display on both sides of each revenue vehicle the vehicle owner's name and the carrier's name and WMATC number. The markings must be legible from a distance of fifty feet. The regulation states that markings three inches high meet the fifty-foot legibility requirement. Commission precedent holds that markings only two inches high do not.² Staff's inspection revealed that the markings on the Akorli vehicle were less than two inches high and that the name of the vehicle owner was misidentified as F. Kweku.

The Commission may investigate a carrier to determine whether that carrier has violated the Compact.³ The Commission may require the production of books, papers, correspondence, memoranda, contracts, agreements, or other records or evidence which the Commission considers relevant to the inquiry.⁴ The Commission shall have access

¹ Akorli subsequently voluntarily terminated his certificate of authority on May 20, 2002. In re Rad Akorli, t/a T.R. Transp. Serv., No. MP-02-63, Order No. 6661 (May 20, 2002).

² In re Great American Tours, Inc., & The Airport Connection, Inc. II, & Airport Baggage Carriers, Inc., No. MP-96-54, Order No. 5007 (Jan. 23, 1997).

³ Compact, tit. II, art. XIII, § 1(c).

⁴ Compact, tit. II, art. XIII, § 1(e).

at all times to the accounts, records, memoranda, lands, buildings, and equipment of any carrier for inspection purposes.⁵

A carrier that knowingly and willfully violates a provision of the Compact shall be subject to a civil forfeiture of not more than \$1,000 for the first violation and not more than \$5,000 for any subsequent violation; each day of the violation constitutes a separate violation.⁶

The Commission will initiate an investigation to determine whether SMA has violated Regulations Nos. 61 (Identification on Motor Vehicles) and 62 (Lease of Equipment).

THEREFORE, IT IS ORDERED:

1. That an investigation of the operations of SMA Transportation Service Incorporated, WMATC No. 584, in the Washington Metropolitan Area Transit District is hereby initiated under Article XIII, Section 1, of the Compact.

2. That SMA is hereby directed to cease operating the Akorli vehicle unless and until otherwise ordered by the Commission.

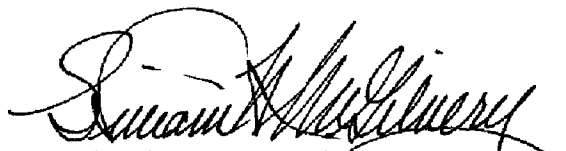
3. That SMA is hereby directed to bring its operations into compliance with Regulations Nos. 61 and 62 and ensure that all of its revenue vehicles are reported to its insurance company.

4. That SMA is hereby directed to produce all revenue vehicles for inspection by Commission staff within thirty days from the date of this order.

5. That Certificate of Authority No. 584 shall stand suspended, and be subject to revocation without further notice, upon SMA's failure to timely comply with the requirements of this order.

6. That SMA may not operate any vehicle that fails inspection by staff unless and until such vehicle passes reinspection.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS YATES, LIGON, AND MILLER:



William H. McGilverey
Executive Director

⁵ Compact, tit. II, art. XII, § 1(b).

⁶ Compact, tit. II, art. XIII, § 6(f).