

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 7495

IN THE MATTER OF:

Served October 29, 2003

QUALITY TOUR TRANSPORT, INC.,)
WMATC No. 192, Investigation of)
Violation of Regulation Nos. 61)
and 62 and Order to Show Cause)

Case No. MP-2003-122

This investigation is being initiated to determine whether respondent knowingly and willfully violated Commission Regulation Nos. 61 and 62 by operating improperly marked vehicles and operating non-owned vehicles without a lease on file with the Commission.

On January 24, 2003, the Commission received a WMATC Insurance Endorsement in the name of Quality Tour Transport and Liliana Enterprises, LLC. On April 16, 2003, staff wrote to respondent advising it that Liliana Enterprises, LLC, does not have WMATC authority and cannot operate under Certificate No. 192. In addition, staff directed respondent to present its revenue vehicles for inspection on or before April 30, 2003.

On May 2, 2003, respondent replied that Lilian Enterprises, LLC, owns the property that respondent leases to garage its vehicles. On May 22, 2003, respondent filed a list of twenty-five vehicles, twenty-two of which are leased. The Commission can find no record of respondent filing leases for the twenty-two leased vehicles,¹ and so far, respondent has produced only one vehicle for inspection, and the markings on that vehicle did not comply with Regulation No. 61.²

The Commission may investigate on its own motion a fact, condition, practice, or matter to determine whether a person has violated or will violate a provision of the Compact or a rule, regulation, or order.³ For the purpose of an investigation or other proceeding under the Compact, the Commission may administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and 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 at all times to the accounts, records, memoranda, lands, buildings, and equipment of any carrier for inspection purposes.⁵

If the Commission finds that a respondent has violated a provision of the Compact or any requirement established under it, the Commission shall issue an order compelling compliance and effecting other just and

¹ Under Regulation No. 62, a WMATC carrier must file a lease with the Commission for each non-owned revenue vehicle.

² Commission Regulation No. 61 requires each WMATC carrier to display on both sides of each revenue vehicle the carrier's name or trade name and the carrier's WMATC number.

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

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

⁵ Compact, tit. II, art. XII, § 1(b).

reasonable relief.⁶ A person who knowingly and willfully violates a provision of the Compact, or a rule, regulation, requirement, or order issued under it, or a term or condition of a certificate 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.⁷ The Commission may suspend or revoke all or part of any certificate of authority for willful failure to comply with a provision of the Compact, an order, rule, or regulation of the Commission, or a term, condition, or limitation of the certificate.⁸

Respondent will be directed to bring its operations into compliance with Regulation Nos. 61 and 62, present its vehicles for inspection, and show cause why respondent should not be found to have knowingly and willfully violated Regulation Nos. 61 and 62.

THEREFORE, IT IS ORDERED:

1. That an investigation of respondent's operations in the Washington Metropolitan Area Transit District is hereby initiated under Article XIII, Section 1, of the Compact.

2. That respondent is hereby directed to immediately bring its operations into compliance with Commission Regulation Nos. 61 and 62.

3. That respondent is hereby directed to produce all revenue vehicles for inspection by Commission staff within thirty days.

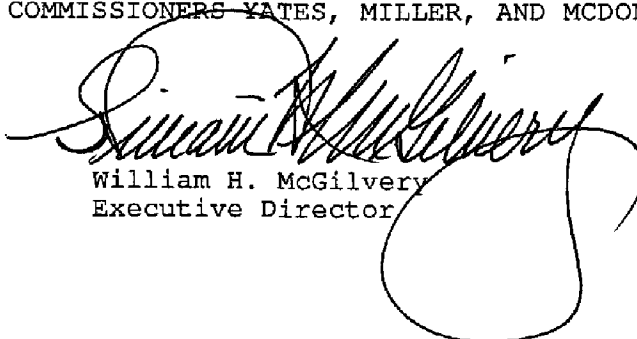
4. That respondent may not operate any vehicle that fails inspection by staff unless and until such vehicle passes re-inspection, as verified in writing by Commission staff.

5. That respondent shall have thirty days to show cause why respondent should not be found to have knowingly and willfully violated Regulation Nos. 61 and 62.

6. That Certificate of Authority No. 192 shall stand suspended, and be subject to revocation without further notice, upon respondent's failure to timely present its vehicles for inspection and file the necessary leases.

7. That respondent may file within 15 days from the date of this order a 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.

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



William H. McGilvery
Executive Director

⁶ Compact, tit. II, art. XIII, § 1(d).

⁷ Compact, tit. II, art. XIII, § 6(f).

⁸ Compact, tit. II, art. XI, § 10(c).