

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 7545

IN THE MATTER OF:

Served November 20, 2003

GOLD LINE, INC., WMATC No. 14,)
Investigation of Violation of)
Regulation Nos. 61 and 62 and)
Order to Show Cause)

Case No. MP-2003-79

This matter is before the Commission on respondent's response to Order No. 7421, served September 24, 2003, which directed respondent to pay a \$500 civil forfeiture in thirty days, for knowingly and willfully violating Commission Regulation Nos. 61 and 62, and gave respondent thirty days to show cause why Certificate No. 14 should not be revoked for willful failure to comply with the initial order in this proceeding.

I. BACKGROUND

This investigation was initiated in Order No. 7330 on July 21, 2003, after some of respondent's vehicles were found by Commission staff not to be in compliance with Regulation No. 61, governing vehicle markings,¹ and Regulation No. 62, governing vehicle leases, and more than five months had gone by with no evidence of any corrective action having been taken by respondent.

Order No. 7330 directed respondent to immediately bring its revenue vehicles into compliance with Regulation Nos. 61 and 62 and produce them for inspection within thirty days. The order also gave respondent thirty days to show cause why respondent should not be found to have knowingly and willfully violated said regulations. The order further provided that Certificate No. 14 would stand suspended, and be subject to revocation without further notice, upon respondent's failure to timely present its revenue vehicles for inspection and file the necessary leases.

Order No. 7421, was issued on September 24, 2003, after respondent failed to respond to Order No. 7330. Order No. 7421 noted that Certificate No. 14 stood suspended, directed respondent to pay a \$500 civil forfeiture for knowingly and willfully violating Regulation Nos. 61 and 62, and gave respondent thirty days to show cause why Certificate No. 14 should not be revoked for willful failure to comply with Order No. 7330.

¹ 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.

² Regulation No. 62 requires each WMATC carrier to file a lease with the Commission for each non-owned revenue vehicle.

As matters stand now, respondent has paid the \$500 forfeiture, and forty of respondent's fifty-three revenue vehicles have passed inspection by staff. Two were not presented for inspection, and eleven bore no sign of having passed a safety inspection within the past twelve months.

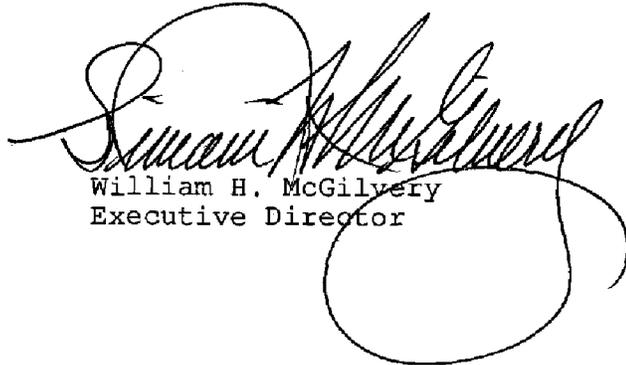
At this point the Commission is satisfied that a sufficient proportion of respondent's fleet has passed inspection to warrant lifting the suspension. There does not seem to be any reason, under the circumstances, for revoking Certificate No. 14. Respondent, however, may not operate the vehicles that have not passed inspection until the deficiencies have been corrected and staff has advised respondent that respondent may operate those vehicles in the Metropolitan District.

THEREFORE, IT IS ORDERED:

1. That the suspension of Certificate of Authority No. 14 is hereby lifted.

2. That the thirteen vehicles which have not been demonstrated to comply with Commission requirements, as identified in this order, may not be operated unless and until they pass inspection, as verified in writing by Commission staff.

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



William H. McGilvery
Executive Director

³ Vehicles Nos. 600 and 643 were not presented for inspection. Vehicles Nos. 89, T17, 622, 632, 634, 644, 645, 676, 680, 696, and 791 had no safety inspection sticker. Plus, no lease is on file for Vehicle No. 89 even though it is not registered to respondent.