

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 12,297

IN THE MATTER OF:

Served January 28, 2010

Enforcement of No-Cash Policy and)
Amendment of Rules of Practice and)
Procedure and Regulations:)
Regulation No. 67, Fees)

Case No. MP-2010-006

Pursuant to Titles I and II of the Washington Metropolitan Area Transit Regulation Compact, Article III, Section 6, Article IV, Section 4(a), and Article XIII, Section 6(f),¹ the Commission hereby declares its intent to enforce its policy of requiring payment of carrier fees and forfeitures by check or money order and hereby amends Regulation No. 67, "Fees" consistent with enforcement of that policy.

Article III, Section 6, stipulates in pertinent part that the Commission "shall publish rules and regulations governing the conduct of its operations." Article IV, Section 4(a), states that: "The Commission shall have the power to establish fees under regulations, including but not limited to filing fees and annual fees." Article XIII, Section 6(f), provides for assessment of civil forfeitures for knowing and willful violations of the Compact and the rules, regulations, requirements, orders, and certificates issued thereunder.

Commission regulations and rules of procedure do not require or prohibit any particular form of payment with respect to fees and forfeitures. Commission orders, on the other hand, uniformly require payment of fees and forfeitures in the form of a money order, certified check, or cashier's check. It has been the Commission's practice nonetheless to accept cash.² A recent audit report on the Commission's financial operations recommends for security reasons that the Commission no longer accept cash in payment of carrier fees and forfeitures.

Few carriers pay fees and forfeitures by cash. Cash transactions comprised only 11.4% of the Commission's monetary transactions in 2009. No single cash transaction was greater than \$400, and most were \$250 or less. Money orders are available in denominations within that range for a nominal fee from vendors within walking distance of the Commission's office. Given the negligible burden carriers would suffer from Commission enforcement of the no-

¹ Washington Metropolitan Area Transit Regulation Compact, Pub. L. No. 101-505, § 1, 104 Stat. 1300, 1301-02, 1312-13 (1990).

² The Commission does not accept payment by credit or debit card.

cash policy currently reflected in Commission fee and forfeiture orders, the Commission shall henceforth no longer accept cash in payment of carrier fees and forfeitures as recommended in the audit report.

Fee and forfeiture orders issued in the future shall continue to require payment by check or money order, and that requirement shall be enforced. Consistent therewith, Regulation No. 67 shall be retitled, "Fees and Forfeitures", and new Regulation No. 67-05 shall read as follows:

67-05. Method of Payment. Fees assessed pursuant to this regulation and forfeitures assessed by Commission order shall be paid to the Commission by check or money order.

IT IS SO ORDERED.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS BRENNER AND CHRISTIE:

A handwritten signature in black ink, appearing to read 'W. S. Morrow, Jr.', written in a cursive style.

William S. Morrow, Jr.
Executive Director