

# Washington Metropolitan Area Transit Commission

## Fiftieth Annual Report

---

Fiscal Year 2010  
July 1, 2009 through June 30, 2010



**Washington Metropolitan Area  
Transit Commission  
8701 Georgia Avenue, Suite 808  
Silver Spring, MD 20910-3700**

January 3, 2011

To: The Honorable Robert F. McDonnell  
Governor of Virginia

The Honorable Martin O'Malley  
Governor of Maryland

The Honorable Vincent C. Gray  
Mayor of the District of Columbia

This report has been prepared in accordance with Title II, Article XIV, Section 5, of the Washington Metropolitan Area Transit Regulation Compact, Pub. L. No. 101-505, § 1, 104 Stat. 1300 (1990) (codified at VA. CODE ANN. §§ 56-529, 530; MD. CODE ANN., TRANSP. ARTICLE § 10-203; D.C. CODE ANN. § 9-1103.01), which provides:

The Commission shall make an annual report for each fiscal year ending June 30, to the Governor of Virginia and the Governor of Maryland, and to the Mayor of the District of Columbia as soon as practicable after June 30, but no later than the first day of January of each year, which may contain, in addition to a report of the work performed under this Act, other information and recommendations concerning passenger transportation within the Metropolitan District as the Commission considers advisable.

***William S. Morrow, Jr.***  
Executive Director

# TABLE OF CONTENTS

Transmittal Letter .....	i
About the Commission .....	1
The Commissioners .....	2
Developments & Accomplishments .....	4
Financial Information.....	6

\* \* \*

## Commission Staff:

- William S. Morrow, Jr., Executive Director/General Counsel
- Jeffrey M. Lehmann, Assistant General Counsel
- Constantine Kolouas, I.T. Specialist
- Renee A. Bodden, Office Manager
- Christopher H. Aquino, Insurance Compliance Specialist
- LaTanya J. Peters, Temporary Receptionist

## ABOUT THE COMMISSION

The Transit Commission has been licensing and regulating private-sector passenger carriers on a regional basis in the Washington Metropolitan Area since 1960 pursuant to the Washington Metropolitan Area Transit Regulation Compact, Pub. L.



**Capital Transit Company Trolley - 1961**

No. 86-794, § 1, 74 Stat. 1031 (1960), *as amended by* Act of Oct. 9, 1962, Pub. L. No. 87-767, 76 Stat. 764 (1962) *and* Pub. L. No. 101-505, § 1, 104 Stat. 1300 (1990) — an interstate agreement among the Commonwealth of Virginia, the State of Maryland, and the District of Columbia. Early in its history, the Commission primarily regulated mass transit bus and trolley operators.

That changed in 1973 when the Washington Metropolitan Area Transit Authority (WMATA) acquired the four mass transit bus companies operating in the area at that time. Today, carriers licensed by the Transit Commission include sightseeing, tour and charter bus operators; airport shuttle companies; wheelchair van operators (including those operating under the District of Columbia’s Medicaid program and WMATA’s MetroAccess program); and some sedan and limousine operators. The Commission also prescribes interstate taxicab rates for the Metropolitan Area.

That changed in 1973 when the Washington Metropolitan Area Transit Authority (WMATA) acquired the four mass transit bus companies operating in

In 1990, the signatories embraced economic deregulation in the Washington Metropolitan Area by amending the Compact to lower market entry barriers for carriers licensed by the Commission “while maintaining a regional approach to transportation and keeping those controls necessary for the security of the public.” This was accomplished chiefly by eliminating the need for hearings on applications for operating authority while preserving the Commission’s power to prescribe insurance and safety requirements.



**MetroAccess Vehicles - Today**

The 1990 amendments have succeeded in opening the Metropolitan District to competition as intended. Over one thousand four hundred applicants have been conditionally granted WMATC operating authority since 1990. By comparison, only one hundred seventy six carriers were granted WMATC operating authority in the Commission's first thirty years.

While the Commission's mandate has evolved over the years, the Commission has remained a steadfast guardian of the public interest and is poised to carry out its mission well into the twenty-first century.



**Taxi Queue at Ronald Reagan Washington National Airport**

## **THE COMMISSIONERS**

The Compact provides for the appointment of three Commissioners, one from each signatory. Originally, one member was appointed by the Governor of Virginia from the Virginia State Corporation Commission, one member was appointed by the Governor of Maryland from the Maryland Public Service Commission, and one member was appointed by the Mayor of the District of Columbia from the District of Columbia Public Service Commission. Those agencies were chosen because they were the signatory agencies licensing and regulating passenger carriers when the Transit Commission was first created in 1960. Today, because of subsequent governmental reorganizations, only the Maryland Public Service Commission still retains such jurisdiction.

In 2007, the Compact signatories began enacting and ratifying amendments to the Compact in order to realign Virginia's and the District's representation on the Transit Commission with the agencies in those jurisdictions currently charged with overseeing passenger carrier operations. The amendment process was completed in April 2010 with Congress's consent in Pub. L. No. 111-160, 124 Stat. 1124 (Apr. 26, 2010). The Virginia member is now appointed by Virginia's governor from the Virginia Department of Motor Vehicles, and the District of Columbia member is now appointed by the District's mayor from a District of Columbia agency with oversight of matters relating to the Commission.

The following WMATC Commissioners held office in FY2010 and/or at the time of this report.

## **Honorable Lawrence Brenner (Maryland) (Chairman)**



Chairman Brenner joined WMATC in November 2008 as the member from the Public Service Commission of Maryland, to which he was appointed in April 2007. He was elected Chairman of WMATC in December 2009. Prior to his appointment to the Maryland PSC, he was Deputy Chief Administrative Law Judge for the Federal Energy Regulatory Commission (FERC) and a mediator in large complex cases.

Before his tenure at FERC, Chairman Brenner was a judge for the U.S. Department of Labor and the U.S. Nuclear Regulatory Commission (NRC). He was in private practice earlier and also had served in supervisory and attorney positions with the NRC. He is admitted to practice in Maryland, the District of Columbia and New York.

Chairman Brenner is President of the Mid-Atlantic Conference of Regulatory Utility Commissioners, a ten-state regional organization of state utility commissions, for the term of July 2010 to June 2011.

Chairman Brenner received his JD from the State University of New York at Buffalo in 1973 and his B.A. in Economics from Brooklyn College in 1967. He won the best brief award in the annual law school moot court competition. He was in the Army from 1968-1970, and saw duty in Vietnam. He is a past president of The Federal Administrative Law Judges Conference (2002-03) and of the Forum of U.S. Administrative Law Judges (2003-05).

## **Honorable Richard D. Holcomb (Virginia)**



Richard D. Holcomb is the current WMATC member from the Commonwealth of Virginia. Commissioner Holcomb was appointed to WMATC on July 21, 2010, by Governor Robert F. McDonnell.

As Commissioner of the Virginia Department of Motor Vehicles, he manages a state agency with a budget of approximately \$200 million and a statewide workforce of more than 1,800 employees. In addition, he oversees the collection of

approximately \$2.2 billion dollars in revenue annually, which funds a significant portion of the state's new roads and highway construction and maintenance.

This is Commissioner Holcomb's second stint as head of DMV. Prior to his 2010 appointment by Governor Robert F. McDonnell, he was appointed DMV Commissioner in 1994 by Governor George F. Allen and reappointed by Governor James S. Gilmore in 1998. During his seven-year tenure at DMV, he revolutionized the agency to provide the ultimate in customer service, surpassing public and private sector service organizations. Under his leadership, Virginia became the first jurisdiction in the world to offer secure online driver's license renewals. Also, he led the consolidation of the state's disparate truck weigh and compliance operations under one agency to provide business-friendly, one-stop shopping for motor carriers.

Commissioner Holcomb also served as General Counsel and Senior Vice President for Law and Regulatory Affairs for the American Trucking Associations, the national trade association for the trucking industry. In this capacity, he managed the in-house staff of attorneys and outside counsel on an array of complex legal matters such as corporate compliance, tax, employment law, election law, patents, copyrights, trademarks and anti-trust. He advanced the association's interest through the court system, protected the association from legal action, and managed legal defense through the interpretation of legal documents, and advice to ATA leadership on legal and regulatory matters.

On Capitol Hill, Commissioner Holcomb served as Chief of Staff to Congressmen Craig T. James, D. French Slaughter, Jr., and John Linder. In addition, he served as Deputy General Counsel to the 1992 Bush-Quayle Committee, Legal Counsel to the National Republican Congressional Committee, and General Counsel to the Senate Judiciary Subcommittee on Security and Terrorism.

Commissioner Holcomb holds an undergraduate degree in political science from Hampden-Sydney College and a Juris Doctorate degree from the University of Richmond School of Law.

## **Honorable Scott Kubly (District of Columbia)**



Scott Kubly is the WMATC member from the District of Columbia. Commissioner Kubly was appointed to WMATC as of August 3, 2010, by Mayor Adrian M. Fenty.

Commissioner Kubly currently serves as a Commissioner on the District of Columbia Taxicab Commission and as Chief of Staff

for District Department of Transportation (DDOT) Director Gabe Klein.

Commissioner Kubly has over 10 years of public sector and private sector experience in transportation finance and project development. He joined DDOT in March 2009 and leads DDOT's Progressive Transportation Services Administration, which oversees the District's investment in the Washington Metropolitan Area Transit Authority (WMATA) and manages the District's Circulator Bus, Bikesharing, and Streetcar services.

Prior to joining DDOT Scott worked in the Executive Office of the Mayor managing a team of budget analysts. Before joining the District, Scott worked for WMATA, leading the development of the 6-year, \$3.3B Metro Matters capital financial plan, identifying the long-term capital requirements of WMATA's dedicated funding, and formulating WMATA pricing policy.

Commissioner Kubly has an MBA from the Wharton School and a Master's in Community and Regional Planning from the University of Texas.

### **Honorable Mark C. Christie (Virginia) (Term Ended July 21, 2010)**



Judge Christie joined WMATC in 2006 as the member from the Virginia State Corporation Commission. His term ended July 21, 2010, with the appointment of Commissioner Holcomb.

Born August 8, 1953, in Bluefield, West Virginia and raised in Welch, W. Va., Judge Christie was educated at Wake Forest University and the Georgetown University Law Center. He teaches constitutional law, public policy, and government at Virginia Commonwealth University, and has lectured on regulatory law at Duke and the University of Virginia law

schools.

His service as an SCC Commissioner began in 2004. Prior to joining the SCC, he served as counsel to the Speaker of the House of Delegates of the Virginia General Assembly from 2000 to 2004. He was Counselor to the Governor and Director of Policy in the Governor's Office from 1996 to 1998 and Deputy Counselor to the Governor from 1994-1996. He was in the private practice of law from 1989-1993 and again from 1998-1999. From 1997-2003, he was a member of the Virginia Board of Education serving as its president from 2002-2003.

Judge Christie was President of the Mid-Atlantic Conference of Regulatory Utility Commissioners, a ten-state regional organization of state utility commissions,

from July 2009 to June 2010, and is a Past President of the Organization of PJM States, Inc. (OPSI), a group of 13 states and the District of Columbia which provides oversight of the PJM regional transmission organization and wholesale electricity market.

A former officer in the U.S. Marine Corps, he is married to Anita Barnhart, a teacher in Hanover County public schools

## **COMMISSION DEVELOPMENTS & ACCOMPLISHMENTS**

### **FORMAL PROCEEDINGS**

The Commission accepted 149 applications to obtain, transfer, amend or terminate a WMATC certificate of authority and 3 applications to obtain temporary authority in FY2010. The Commission also initiated 108 investigations of carrier compliance with WMATC rules and regulations in FY2010, conducted two interstate taxicab proceedings, and heard one formal complaint.

In the two interstate taxicab proceedings, the Commission approved the elimination of baggage, trunk, and personal service charges on interstate trips originating at Washington Dulles International Airport, *In re Petition of Metropolitan Washington Airports Authority for Amendment of Interstate Rates and Charges for Washington Flyer Taxicabs*, No. MP-09-103, Order No. 12,155 (Sept. 18, 2009), and stipulated that the minimum insurance requirement for interstate trips in Washington Flyer taxicabs shall be the same as the minimum insurance coverage required by the Washington Flyer licensing authority for intrastate trips, in accordance with Commission Regulation No. 58-02(a), and not the same as the minimum insurance requirement for District of Columbia taxicabs, as had been prescribed by some previous Commission orders. *In re Investigation of Minimum Interstate Insurance Requirements for Washington Flyer Taxicabs*, Case No. MP-09-104, Order No. 12,155 (Sept. 18, 2009).

In total, the Commission issued 400 orders in 263 formal proceedings in FY2010, as compared to 625 orders in 337 formal proceedings in FY2009. The decline in formal proceedings from FY2009 to FY2010 is due to fewer insurance investigations as a result of fewer WMATC carriers missing their renewal deadlines.

### **CARRIER CERTIFICATES**

The Commission issued 59 certificates of authority in FY2010, including two by reason of transfer and one by reason of amendment. The Commission also issued one temporary authority approval. The Commission revoked 34 certificates of

authority in FY2010. Most were revoked for willful failure to comply with the Commission's insurance requirements. The Commission terminated another 13 certificates of authority in FY2010 upon request by the carriers. The Commission reinstated 4 certificates of authority in FY2010.

The number of carriers holding a certificate of authority at the close of FY2010 stood at 329 — up from 316 at the close of FY2009, and over three times the 97 that held authority at the end of FY1990, before the barriers to entry were lowered beginning in 1991.

The number of vehicles operated under WMATC authority as of December 13, 2010, was approximately 4,000. This compares to approximately 3,900 vehicles operated under WMATC authority as of December 9, 2009.

### **WEBSITE**

The Commission's website may be viewed at [www.wmatc.gov](http://www.wmatc.gov). The website provides information about the Commission, the Commissioners, and pending proceedings. The Compact and Commission rules, regulations, orders, forms, and answers to frequently asked questions may be searched and downloaded directly from the website.

The website offers the public the means of estimating taxicab fares for interstate trips within the Washington Metropolitan Area. Basic information on carriers with WMATC operating authority — including carrier status, insurance information, and rate and vehicle summaries — is also available.

The Commission launched an electronic insurance filing program in late FY2008. Prior to 2008, the Commission only accepted original hard copy WMATC Insurance Endorsements. Changes to the Commission's insurance regulation in FY2008 now allow the Commission to accept filings through the Commission's website. This is more efficient for filers and the Commission and has resulted in more timely filings and consequently fewer carrier suspensions. Between 85% and 90% of insurance filings are made electronically through the WMATC website as of the date of this report.

The Commission completed a major redesign of the website in FY2010 to make site navigation easier and site searches more effective.

### **OTHER**

Commission staff processed 16 informal complaints in FY2010. This compares to 27 informal complaints in FY2009.

Commission staff also initiated 20 informal investigations in FY2010, which typically involve minor or technical violations committed by WMATC carriers. This compares to 26 informal investigations initiated in FY2009.

Senior staff participated in Regional Taxicab Regulators task force meetings in FY2010 to help promote cooperation among local taxicab officials and aid enforcement throughout the Metropolitan Area. The task force is affiliated with the Metropolitan Washington Council of Governments and meets regularly every other month. The Commission’s executive director was elected in November 2009 to chair the task force in calendar year 2010.

The Commission initiated a new street enforcement program in FY2010 aimed at identifying carriers operating in the Metropolitan District without proper authority.

## **FINANCIAL INFORMATION**

### **BUDGET**

The Commission receives appropriations from the three Compact signatories: Virginia, Maryland, and the District of Columbia. The Commission allocates its expenses among the signatories in the proportion that the population of each signatory within the Metropolitan District bears to the total population of the Metropolitan District, based on the most recent census data available at the time the budget is proposed. Comparative budget numbers for FY2009 and FY2010 are as follows.

	<b>Total Budget</b>	
	<u>FY2009</u>	<u>FY2010</u>
Salaries	\$445,000	\$480,000
Benefits	93,000	138,500
Rent	130,000	100,000
Other	<u>55,000</u>	<u>65,000</u>
Total	<u><u>\$723,000</u></u>	<u><u>\$783,500</u></u>

	<b>Allocated Budget</b>	
	<u>FY2009</u>	<u>FY2010</u>
DC	\$112,571	\$123,323
MD	343,280	368,950
VA	<u>267,149</u>	<u>291,227</u>
Total	<u><u>\$723,000</u></u>	<u><u>\$783,500</u></u>

**Rent Expense.** The Commission reduced its office lease expense in February 2009 by moving its offices from Washington, DC, to Silver Spring, MD. As of January 2009, the last month under the old lease, the Commission was paying rent at the rate of \$9,519 per month, plus a portion of the landlord's operating expenses and real estate taxes, for 3,450 square feet of office space. Beginning February 1, 2009, the Commission's rent dropped to \$5,500 per month, for 2,750 square feet of office space under a new 10-year lease. Had the Commission remained in its old suite, the base rent would have increased to \$11,500 per month. The new lease provides for modest annual increases in the base rent and for reimbursement of the landlord's marginal operating expenses above the base year, prorated based on the percentage of building space occupied by the Commission. The lease proposed by the old landlord contained comparable base rent increases and operating expense reimbursement.

**Benefits.** Prior to FY2010, the Commission did not provide a retirement plan for all employees. Employees hired before October 1, 1987, were covered by the federal Civil Service Retirement System. The Commission had no plan for employees hired on and after that date. In FY2010, the Commission adopted a retirement plan for all employees effective April 1, 2010. Employees hired on and after October 1, 1987, but before April 1, 2010, became eligible to participate in the Virginia Retirement System, a defined benefit plan for Virginia state employees and employees of Virginia political subdivisions. Employees hired on and after April 1, 2010, must participate. Even with this added expense, the Commission is projecting only modest budget increases for the near term.

## REVENUE

The Commission generated \$127,280 in non-appropriations revenue (fees and forfeitures) in FY2010. The Commission does not retain any of the non-appropriations revenue it collects. All such revenue is distributed to the signatories following the formula used for allocating expenses as described above.

