

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1449

IN THE MATTER OF:

Application of WASHINGTON )	Served August 1, 1975
AREA MINI-BUS TOURS for )	
Temporary Authority to )	Application No. 870
Perform Special Operations )	

By Application No. 870, filed July 15, 1975, Washington Area Mini-Bus Tours (Mini-Bus)1/ seeks temporary authority pursuant to Title II, Article XII, Section 4(d)(3) of the Compact, to transport passengers, over irregular routes, in special operations, within a limited portion of the Metropolitan District. The proposed service area would be downtown Washington, D. C., Arlington National Cemetery and Iwo Jima Memorial in Arlington County, Virginia, Alexandria, Virginia, and Mount Vernon, Virginia. Mini-Bus would provide four tours.

The all day tour would involve a riding tour of Washington, Arlington National Cemetery, Alexandria and Mount Vernon, including stops at Ford's Theatre, Peterson's House, Capitol Building, White House (when open), gravesites of President John F. Kennedy and Senator Robert F. Kennedy, John F. Kennedy Memorial Center for the Performing Arts, Christ Church in Alexandria, and Mount Vernon. The tour encompasses approximately nine hours. For an adult the fare would be \$24 and for a person under the age of 12 years the fare would be \$12.

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1/ Mini-Bus is the trade name for an operation performed by Daniel S. Carver and Kenneth R. Strickland. Mini-Bus is neither a corporation nor a partnership. Rather, it appears to be two individuals operating in concert.

The building tour would consist of visits at Ford's Theatre, Peterson's House, Capitol Building, White House (when open), and Smithsonian Institution Museum of History and Technology. This tour includes interpretive sightseeing in the Federal Triangle area of Washington. The tour is offered only in the morning and encompasses approximately three to four hours. The fare would be \$10 per person.

Two separate tours would be offered in the afternoon. One would be an interpretive tour of Washington and Arlington, including stops at the Jefferson Memorial, Lincoln Memorial, Iwo Jima Memorial, Kennedy gravesites, and Tomb of the Unknown Soldier. The other would be an interpretive tour of Washington, Alexandria, and Mount Vernon, including stops at Christ Church in Alexandria and Mount Vernon. Each tour would last about three to four hours. The fare would be \$11 per person.

The proposed service would be performed in 12 passenger mini-buses. The transportation would include pick-up service at hotels or motels.

Under Title II, Article XII, Section 4(d)(3) of the Compact, the Commission must base any decision to grant temporary authority to provide a specific service upon the findings that there is an immediate and urgent need to a point or points within a territory and that there is no carrier service capable of meeting such need. So finding, the Commission may, in its discretion and without hearings or other proceedings, grant temporary authority.

Mini-Bus states that the proposed service is essential to provide transportation for persons who are handicapped. The service primarily would cater to the personal needs of people with heart conditions or wheelchair victims. The use of 12 passenger vehicles allegedly assists handicapped persons in moving between the vehicle and the several buildings included as stops on the tours. In addition, Mini-bus submits that the seating configuration in its vehicles is more advantageous than the seating configuration in a larger motor coach. According to Mini-bus, other services currently being provided do not adequately meet the needs of handicapped persons. Obviously, the temporary authority sought herein would permit the transporting of persons other than the handicapped.

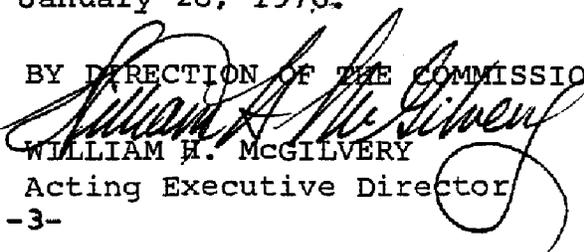
Mini-bus has been operating the proposed service. Upon receipt of a letter from the Commission advising Mini-bus of the Commission's jurisdiction, the temporary authority application was filed. This Commission does not condone operations performed in violation of the provisions of the Compact. Such operations trigger consideration of the carrier's fitness. With respect to the question of fitness, the Commission weighs the entire circumstances which result in the issue being presented for determination. The Commission believes that the unauthorized operations do not constitute, in this particular case, a substantial or willful violation of the Compact provisions and that, in the future, Mini-bus would conform to the provisions of the Compact and rules, regulations, and requirements of the Commission thereunder.

The Commission believes that Mini-bus should be granted temporary authority. Moreover, it should be emphasized that such temporary authorization creates no presumption that corresponding permanent authority will be granted. See Compact, Title II, Article XII, Section 4(d)(3).

THEREFORE, IT IS ORDERED:

1. That Application No. 870 of Washington Area Mini-bus Tours be, and it is hereby, granted.
2. That Washington Area Mini-bus Tours be, and it is hereby, granted temporary authority to transport passengers, in special operations for the purpose of sightseeing, over irregular routes, within downtown Washington, D. C., Arlington National Cemetery and Iwo Jima Memorial in Arlington County, Virginia, Alexandria, Virginia, and Mount Vernon, Virginia.
3. That Washington Area Mini-bus Tours be, and it is hereby, required to file forthwith two copies of an appropriate tariff, stating rates as set forth in Application No. 870, pursuant to the temporary authority granted herein, to be effective Friday, August 1, 1975.
4. That unless otherwise provided by order of the Commission, the temporary authority granted herein shall become effective Friday, August 1, 1975, and shall remain in effect through Wednesday, January 28, 1976.

BY DIRECTION OF THE COMMISSION:

  
WILLIAM H. MCGILVERY  
Acting Executive Director

