

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1536

IN THE MATTER OF:

Application of WEBB TOURS, INC.,)	Served April 15, 1976
for Certificate of Public)	
Convenience and Necessity to)	Application No. 894
Perform Charter Operations)	
)	
Application of WEBB TOURS, INC.,)	Application No. 895
for Certificate of Public)	
Convenience and Necessity to)	Consolidated
Perform Special Operations)	Docket No. 304
)	
Application of WEBB TOURS, INC.,)	Application No. 910
for Temporary Authority)	

By Applications No. 894 and 895, dated December 11, 1975, Webb Tours, Inc. (Webb) seeks a certificate of public convenience and necessity, pursuant to Title II, Article XII, Section 4(b) of the Compact, to transport passengers, over irregular routes, in round trip sightseeing or pleasure tours, in either charter operations or special operations, between points within the Metropolitan District. By Application No. 910, filed January 27, 1976, Webb seeks temporary authority, pursuant to Title II, Article XII, Section 4(d)(3), to transport passengers, in round trip sightseeing or pleasure tours, from points within the Metropolitan District to points within the Metropolitan District. The temporary authority application and the permanent authority application seek authority to perform similar operations. The Commission shall consider and discuss herein the permanent authority application. The temporary authority application shall be considered moot and will be dismissed without further comment or discussion.

By Order No. 1443, served July 21, 1975, and supplemented by Order No. 1455, served September 9, 1975, Webb was granted temporary authority to transport passengers over irregular routes within Washington, D. C., embracing the Kennedy Center for the Performing Arts, Capitol Hill, the Mall, and Embassy Row, Pennsylvania Avenue, and within Arlington County, Va., to the extent of Arlington National Cemetery and Iwo Jima Memorial. Order No. 1455 merely changed a practice specified in Webb's temporary authority tariff. By Order No. 1466, served October 29, 1975, Webb was granted temporary authority to transport passengers to its "Spirit of 76 Tours", which were operated pursuant to the prior temporary authority, over irregular routes, in special operations, from hotels or motels in Maryland or Virginia which are located within the Metropolitan District to downtown Washington, D. C., and return. All of Webb's temporary authority remained in effect through January 17, 1976.

A protest to the applications was filed by The Gray Line, Inc. (Gray Line) on February 13, 1976. That carrier holds Certificate of Public Convenience and Necessity No. 12, which authorizes the provision of round-trip sightseeing or pleasure tours in both charter operations and special operations service from points within the Metropolitan District, except the Dulles International Airport and Alexandria, Va., to points within the Metropolitan District. Gray Line contends that approval of Webb's applications would duplicate the authority granted to Gray Line and that the proposed operations by Webb would be directly competitive and highly detrimental to Gray Line. Gray Line further contends that the public convenience and necessity does not justify or require authorization of any further or additional sightseeing and pleasure tour services.

Pursuant to Order No. 1488, served January 16, 1976, as modified by Order No. 1503, served February 13, 1976, a public hearing was held on March 4, 1976. At the hearing, Gray Line stated that it would withdraw its opposition if Webb would restrict its operations to London double-decker buses. Webb would not restrict its application. Webb seeks

authority with no restriction on the vehicle to be used to render special operations and charter operations. Thereafter, Gray Line withdrew from the hearing without prejudice to its seeking reconsideration of the findings to be made by the Commission.

The findings to be made by the Commission with respect to applications for certificates of public convenience and necessity are set forth in Title II, Article XII, Section 4(b) of the Compact. The Commission must make two separate findings. First, the applicant must be "fit, willing and able" to perform the proposed transportation properly and to conform to the provisions of the Compact and the rules, regulations and requirements of the Commission thereunder. Second, the proposed transportation "must be or will be required" by the public convenience and necessity.

Webb is a District of Columbia corporation. It was organized to perform sightseeing and pleasure tours within the Metropolitan District. Webb's primary asset is a 53 passenger double-deck 1952 model diesel powered Leyland London Transport bus. The vehicle is painted red, white and blue and is marked "Spirit of 76 Tours". Webb submitted a balance sheet as of December 31, 1975, and a statement of income for the ten months ended December 31, 1975. The balance sheet indicates total assets \$7,842, loans from stockholders \$29,724, equity investment \$1,000, and a deficit retained earnings \$22,050. In addition, Webb currently is involved in litigation concerning 15 percent of authorized but unissued common stock. For the 10 month period, Webb generated \$9,903 in revenues and incurred \$32,954 in expenses. The primary expenses were professional services \$9,461, management fee \$7,003, and advertising \$5,732. As a result, Webb had a \$23,050 loss for the period. Webb has arranged for a line of credit secured by the bus and personal realty to provide needed working capital.

Webb would provide three "Spirit of 76 Tours". The morning tour would include downtown Washington, D. C., plus visits inside the Capitol, the White House (when possible), and the Smithsonian Institution's History and Technology

Building. The afternoon tour would involve a riding tour of the monuments, The Mall, Capitol Hill, Embassy Row, Pennsylvania Avenue, the Iwo Jima Memorial and stops at the Kennedy gravesites in Arlington National Cemetery, Lincoln Memorial, and Jefferson Memorial. The evening tour normally would consist of a riding tour of the monuments, buildings, reflecting pools, Arlington National Cemetery and stops at the Kennedy Center for the Performing Arts, Lincoln Memorial, and Jefferson Memorial. The evening tour optionally includes dinner at the Picadilly Restaurant and Pub. Webb also would provide charter sightseeing or pleasure tours. The charter operation would be designed to satisfy the interest and requirements of the party chartering the vehicle. These operations would be provided to convention groups, churches, and associations. Webb also would perform transportation services between hotels and motels within the Metropolitan District and origin points for its "Spirit of 76 Tours".

Webb would render the proposed special operations and charter operations in the specialty vehicle and conventional motor vehicles. Webb indicated that the height of the British manufactured double-deck bus restricts the routes it may operate. The conventional vehicles would include motor coaches and vans. The motor coaches would be used to provide additional seating capacity for either special operations or charter operations. The vans primarily would be used to transport patrons of the "Spirit of 76 Tours" from hotels and motels to the origin points of the tour itineraries. Webb currently owns one British Manufactured double-deck bus and has arranged to purchase another. It would purchase motor coaches or vans only if the volume of business were sufficient. Otherwise, Webb would lease them.

Webb supported its applications with several witnesses. These persons generally indicated that the "Spirit of 76 Tours" are unique and distinctive from other sightseeing and pleasure tours because of the vehicle used to perform the service. The witnesses indicated a demand for charter service to provide a different group sightseeing experience in the British manufactured double-deck bus.

The Commission finds that Webb is fit, willing and able to perform special operations sightseeing and pleasure tours and charter operations limited to sightseeing and pleasure tours in a British manufactured double-deck bus. The Commission also finds that Webb would conform to the rules, regulations and requirements of the Commission thereunder. With respect to the public convenience and necessity, the Commission finds that members of the public need and the public interest would be served by the operation of individually ticketed sightseeing and pleasure tours in the District of Columbia, Arlington County, Virginia, and the City of Alexandria, Virginia, and the operation of charter sightseeing and pleasure tours between points within the Metropolitan District. Accordingly, the Commission shall grant, subject to the condition hereinafter discussed, Webb's Application No. 894 and that part of Webb's Application No. 895 requesting authority to perform special operations sightseeing or pleasure tours in the District of Columbia, Arlington County, Virginia, and the City of Alexandria, Virginia.

With respect to Webb's request for authority to perform transportation services between hotels and motels in Montgomery County or Prince George's County, Md., or Fairfax County, City of Falls Church, or Dulles International Airport, Va., and the District of Columbia or Arlington County, and the City of Alexandria, Va., the Commission shall deny Application No. 895. Webb supported this portion of its application with testimony concerning the operations under temporary authority granted by the Commission in Order No. 1466. Pursuant to that order, Webb arranged with Beltway Limousine Service, Inc. (Beltway) to transport persons from hotels and motels to the origin points of the "Spirit of 76 Tours". Beltway was compensated at the rate of \$2 per person plus 15 percent of the purchase price of that passenger's Spirit of 76 tour ticket. If granted the authority it seeks, Webb proposes to continue the arrangement with Beltway. Such an arrangement constitutes transportation by Beltway, not Webb. Beltway has no authority to provide this service itself. Accordingly, the Commission finds that Webb is not able to render transportation services between hotels and motels in Montgomery County or Prince George's County, Md., or Fairfax

County, City of Falls Church, or Dulles International Airport, Va., and the District of Columbia, Arlington County, Va., or the City of Alexandria, Va.

The Compact bestows upon the Commission "the power to attach to the issuance of a certificate and to the exercise of rights granted thereunder such reasonable terms and conditions as the public convenience and necessity may require". See Compact, Title II, Article XII, Section 4(b). As previously indicated, the witnesses supporting Webb's application indicated that the specialty bus created a distinct and unique service. The Commission finds that the public convenience and necessity require the attachment of a condition restricting the operations rendered to services in specialty buses. The restriction will not limit the number of buses but will require that the service be performed in British manufactured double-deck buses.

The Compact requires each carrier to "file with the Commission, and keep open to public inspection, tariffs showing (1) all fares it charges for transportation subject to this Act, . . . , and (2) to the extent required by regulations of the Commission, the regulations and practices of such carrier affecting such fares." See Compact, Title II, Article XII, Section 5(a). Webb filed as part of its application a schedule of rates. See Order No. 1488, served January 16, 1976. The Commission shall approve the fares proposed for the separate tours and the proposed rates applicable to charter service. The Commission finds that the proposed rate structures are just, reasonable and not unduly preferential or unduly discriminatory either between riders or sections of the Metropolitan District.

With respect to the proposed \$2 per person transportation fee for pickup and return service, the Commission has denied that portion of Webb's application for authority to perform that service and shall, accordingly, reject these rates. However, Webb would be permitted to render special operation sightseeing or pleasure tours between points within the District of Columbia, Arlington County, Virginia, or the City of Alexandria, Va. Webb thus would be authorized to originate special operation sightseeing or pleasure

tours at any point located in the designated area. The Commission finds that the record does not support or justify approval of an additional \$2 transportation fee for pickup and return service from hotels or motels.

With respect to the proposed one-way transfer fee of \$50 and a round trip transfer fee of \$75 between any two points in the District of Columbia, the Commission shall reject these rates. Transfer fees usually are applicable to non-sightseeing and pleasure tour charter operations. Webb has sought and will be granted authority to render charter operations limited to sightseeing or pleasure tours. The Commission finds that these proposed rates are specified for operations for which no authority was sought and for which no need has been shown.

The Commission has considered the other matters presented by the record but finds they do not warrant action contrary to that which now is directed.

THEREFORE, IT IS ORDERED:

1. That Application No. 894 of Webb Tours, Inc., be, and it is hereby, granted.

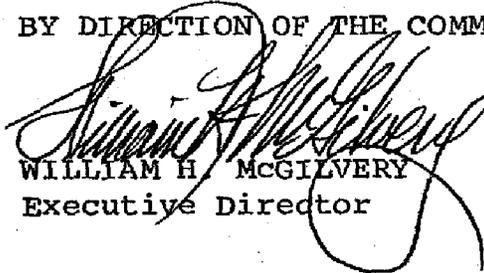
2. That Application No. 895 of Webb Tours, Inc., be, and it is hereby, granted in part and denied in part, as set forth herein.

3. That Application No. 910 of Webb Tours, Inc., for temporary authority to perform special operations or charter operations be, and it is hereby, dismissed without prejudice as moot.

4. That Webb Tours, Inc., be, and it is hereby, issued Certificate of Public Convenience and Necessity No. 33, as attached hereto and made a part hereof.

5. That Webb Tours, Inc., be, and it is hereby, directed to file two copies of WMATC Tariff No. 1 in accordance with the authority granted herein, such tariff to be effective upon acceptance by the Executive Director.

BY DIRECTION OF THE COMMISSION:



WILLIAM H. MCGILVERY
Executive Director

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

NO. 33

WEBB TOURS, INC.
WASHINGTON, D. C.

By Order No. 1536, of the Washington Metropolitan Area Transit Commission issued April 15, 1976;

AFTER DUE INVESTIGATION, it appearing that the above-named carrier is entitled to receive authority from this Commission to engage in the transportation of passengers within the Washington Metropolitan Area Transit District as a carrier, for the reasons and subject to the limitations set forth in Order No. 1536;

THEREFORE, IT IS ORDERED, that the said carrier be, and it is hereby, granted this certificate of public convenience and necessity as evidence of the authority of the holder to engage in transportation as a carrier by motor vehicle; subject, however, to such terms, conditions and limitations as are now, or may hereafter be attached to the exercise of the privilege herein granted to the said carrier.

IT IS FURTHER ORDERED that the passenger transportation service to be performed by the said carrier shall be as specified below:

IRREGULAR ROUTES:

CHARTER OPERATIONS, round-trip sightseeing or pleasure tours, between points within the Metropolitan District.

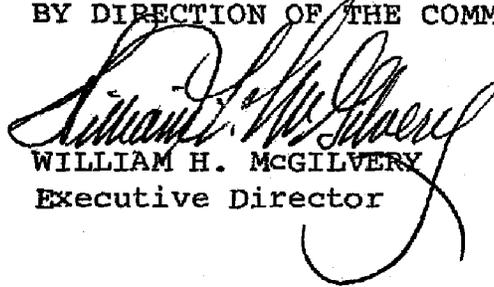
RESTRICTED to the performance of such operations in British manufactured double-deck buses.

SPECIAL OPERATIONS, limited to sightseeing or pleasure tours, between points located within the District of Columbia, the City of Alexandria, Virginia, and Arlington County, Virginia.

RESTRICTED to the performance of such operations in British manufactured double-deck buses.

AND IT IS FURTHER ORDERED and made a condition of this certificate that the holder thereof shall render reasonable, continuous and adequate service to the public in pursuance of the authority granted herein, and that failure so to do shall constitute sufficient grounds for suspension, change or revocation of the certificate.

BY DIRECTION OF THE COMMISSION:



WILLIAM H. MCGILVER
Executive Director