

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1540

IN THE MATTER OF:

Served April 28, 1976

Application of COLUMBIA TRANSP
COMPANY, INC., for Temporary
Authority to Perform Charter
Operations)
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Application No. 887

Application of COLUMBIA TRANSP
COMPANY, INC., for Certificate of
Public Convenience and Necessity
to Perform Charter Operations)
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Application No. 896

Consolidated Docket No. 302

By Application No. 887, dated October 20, 1975, as amended, Columbia Transpo Company, Inc. (Columbia Transpo) seeks temporary authority pursuant to Title II, Article XII, Section 4(d)(3) of the Compact and by Application No. 896, dated December 2, 1975, as amended, a certificate of public convenience and necessity pursuant to Title II, Article XII, Section 4(b) to perform charter operations. Each application by Columbia Transpo seeks authority to transport passengers, over irregular routes, in charter operations limited to sightseeing or pleasure tours, between points within Washington, D. C., Arlington County, City of Alexandria, and Fairfax County, Virginia. 1/ The Commission shall consider and discuss herein only the permanent authority application. The temporary authority application shall be considered moot and will be dismissed without further comment or discussion. The protest filed by The Gray Line, Inc., to Application No. 887 was withdrawn by letter dated January 23, 1976.

Pursuant to Order No. 1486, served January 9, 1976, ~~a public hearing~~ was held on February 3, 1976. No party formally appeared to protest Application No. 896. The findings to be made by the Commission, after hearing, 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

1/ The Compact, Title II, Article XII, Section 1(b) provides that the Commission does not have regulatory jurisdiction over transportation for hire of persons between points solely within the Commonwealth of Virginia. The Commission thus will not consider the applications as requesting authority to perform operations between two points solely within the Commonwealth of Virginia.

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.

By Order No. 1346, served August 22, 1974, Columbia Transpo was issued Certificate of Public Convenience and Necessity No. 19. That certificate authorized the performance of charter operations pursuant to contract with the International Business Machines Corporation (IBM) to transport employees and guests of IBM among its facilities located at 10215 Fernwood Road, Bethesda, Maryland, 10401 Fernwood Road, Bethesda, Maryland, and 18100 Frederick Pike, Gaithersburg, Maryland. By letter dated February 23, 1976, Columbia Transpo advised the Commission that IBM had cancelled the contract as a result of the relative low usage of the service. Accordingly, the Commission shall cancel said authority pursuant to the provisions of Certificate of Public Convenience and Necessity No. 19.

Columbia Transpo is a District of Columbia corporation. Seventy-five percent of its capital stock is owned by Columbia Catering Corporation. It was formed for the purpose of rendering limousine, sightseeing, and other transportation services. Columbia Transpo submitted a balance sheet as of October 31, 1975, and a statement of income and retained earnings for the five months ended October 31, 1975. The balance sheet indicates total assets of \$80,365, including current assets \$16,280 and net equipment, furniture and fixtures \$57,370, and current liabilities \$42,381, long-term debt \$22,401, common stock \$40,000, and a deficit retained earnings \$24,417. For the five-month period, Columbia Transpo generated \$59,702 in revenues and incurred \$56,330 in expenses. The primary expenses were equipment rental \$20,560, drivers' wages \$13,784, depreciation \$11,086, salaries \$10,471, and general and administrative \$9,080. As a result, Columbia Transpo had a \$2,950 loss for the period.

Columbia Transpo would provide six separate tours in 15-passenger or smaller capacity vans. The all day tour would be divided between a morning tour and an afternoon tour. The morning tour would involve a riding tour of downtown Washington, D. C., with stops at the White House, except on Sunday and Monday when the Smithsonian would be substituted, Bureau of Engraving, Jefferson Memorial, Lincoln Memorial, U. S. Capitol Building, Kennedy Center and Arlington National Cemetery. The afternoon tour would involve a riding tour of the City of Alexandria, Virginia, with a stop at Christ Church and Mount Vernon, and a riding tour of the Georgetown area of Washington, D. C., if time permits. The tour would encompass approximately nine hours. The proposed charter rate would be \$136, which would not include any admission fees. The public buildings tour would involve a riding tour of Washington, D. C., with stops at the Bureau of Engraving, Smithsonian Institution, Capitol Building, and White House.

The tour would encompass approximately four hours. The proposed charter rate would be \$56, which would not include any admission fees. The riding tour would involve a tour of Washington, D. C., with views of the Capitol Hill area, U. S. Capitol, Supreme Court, Library of Congress, National Gallery of Art, Smithsonian Institution, Washington Monument and the White House, with stops at the Lincoln Memorial and the Jefferson Memorial. The riding tour then would proceed into Virginia past the Iwo Jima Marine Memorial to the Arlington National Cemetery, with stops at the Kennedy gravesites and Tomb of the Unknowns, and would return through the Georgetown area of Washington, D. C. The tour would encompass approximately five hours. The proposed charter rate would be \$56, which would not include any admission fees. The Colonial Alexandria tour would involve a tour of Alexandria and Mount Vernon, Virginia, with stops at Christ Church and Mount Vernon and would include views of the Pentagon, Jefferson Memorial and Tidal Basin. The tour would encompass approximately four hours. The proposed charter rate would be \$60, which would not include any admission fees. The Washington at night tour would involve a riding tour of Washington, D. C., at night with views of National Monuments and Federal Buildings, including stops at Capitol Hill, Library of Congress, Jefferson Memorial, Lincoln Memorial, Kennedy Center and Iwo Jima Marine Memorial. The tour would encompass approximately three hours. The proposed charter rate would be \$56, which would not include any admission fees. The churches and embassy tour would involve a tour viewing Washington, D. C., and Embassy Row, with stops at the Episcopal Cathedral of Saints Peter and Paul, Shrine of the Immaculate Conception at Catholic University, and, if time permits, the Franciscan Monastery. The tour would encompass approximately four hours. The proposed charter rate would be \$56, which would not include any admission fees.

Columbia Transpo supported its application with several witnesses. These persons generally indicated that smaller groups of passengers travelling together desired the exclusive use of a vehicle for the purpose of sightseeing within a limited portion of the Metropolitan District. The groups usually consisted of fewer than 15 persons. These groups primarily represented the members of a family visiting Washington, D. C., as the result of national conventions. The witnesses indicated that the availability of a smaller vehicle for the groups exclusive use would enhance the programs offered by the manager of the conventions. The witnesses also stated that persons attending small group meetings, seminars or legislative conferences would use the smaller vehicle for sightseeing purposes.

The Commission finds that Columbia Transpo is fit, willing and able to perform charter operations limited to sightseeing and pleasure tours. The Commission also finds that Columbia Transpo 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 Columbia

Transpo's operation of charter sightseeing and pleasure tours between points within Washington, D. C., Arlington County, City of Alexandria, and Fairfax County, Virginia. Accordingly, the Commission shall grant, subject to the condition hereinafter discussed, Columbia Transpo's Application No. 896.

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). This grant of power to the Commission is subject to a restriction not herein relevant. The Commission believes that the authority granted Columbia Transpo should contain a reasonable condition. The Commission finds that a vehicle restriction is required by the public convenience and necessity. Accordingly, the charter authority shall be restricted to provide for transportation services in vehicles with a designed maximum passenger capacity which would accommodate not more than 15 passengers excluding the driver.

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). Columbia Transpo, as previously set forth herein, has proposed rates applicable to each of its charter pleasure or sightseeing tours. Columbia Transpo submitted a one-year projection of the revenues to be generated based on 36 hours of charter operations per week and the revenue deductions to be incurred in performing those operations. That statement indicates revenues \$32,760, direct costs \$18,970, and administrative expenses \$8,500. The result would be \$5,290 income before taxes.

The Commission finds that the projected charter revenues would be compensatory. The Commission also finds that the proposed rate structure is just, reasonable and not unduly preferential or unduly discriminatory either between riders or sections of the Metropolitan District.

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 the charter pursuant to contract authority issued in Certificate of Public Convenience and Necessity No. 19 to Columbia Transpo Company, Inc., pursuant to Order No. 1346, served August 22, 1974, be, and it is hereby, cancelled.

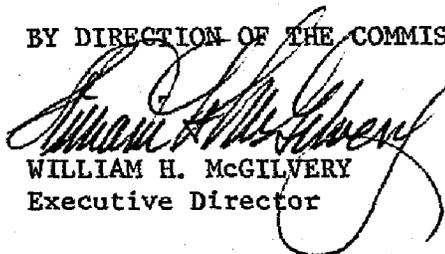
2. That Application No. 896 of Columbia Transpo Company, Inc., be, and it is hereby, granted.

3. That Application No. 887 of Columbia Transpo Company, Inc., for temporary authority to perform charter operations limited to sight-seeing and pleasure tours be, and it is hereby, dismissed without prejudice as moot.

4. That Certificate of Public Convenience and Necessity No. 19 issued to Columbia Transpo Company, Inc., be, and it is hereby, modified as attached hereto and made a part hereof.

5. That Columbia Transpo Company, Inc., be, and it is hereby, directed to file two copies of WMATC Tariff No. 2 cancelling 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. 19

COLUMBIA TRANSPO COMPANY, INC.

WASHINGTON, D. C.

By Order No. 1540, of the Washington Metropolitan Area Transit Commission issued April 28, 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. 1540;

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, except that this certificate does not authorize any intrastate transportation in the Commonwealth of Virginia:

IRREGULAR ROUTES:

CHARTER OPERATIONS, sightseeing or pleasure tours, between points within Washington, D. C., Arlington County, City of Alexandria, and Fairfax County, Virginia.

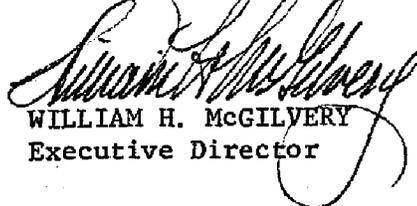
RESTRICTED to transportation in vehicles with a designed passenger capacity of not more than 15 passengers excluding the driver.

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.

The operating authority granted herein supersedes the operating rights previously set forth in Order No. 1346, served August 22, 1974.

BY DIRECTION OF THE COMMISSION:



WILLIAM H. MCGILVERY
Executive Director