

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1625

IN THE MATTER OF:

Application of BETTY JEAN DAVIS	)	Served November 17, 1976
Trading As METRO-AREA SIGHTSEEING	)	
TOURS for Certificate of Public	)	Application No. 941
Convenience and Necessity to Perform	)	
Special Operations - Two Campgrounds	)	Docket No. 329

Pursuant to Order No. 1558, served May 20, 1976, a hearing on the subject application was held on June 17, 1976. Applicant submitted an affidavit evidencing newspaper publication of a notice of the application and the public hearing. No parties appeared in opposition to the application. Applicant filed appropriate financial data.

Metro-Area proposes a package of six tours. Tour No. 1 involves the interiors of government buildings in Washington, D. C., takes about three and one-half hours, and costs \$10 per person. Tour No. 2 is a riding tour of Washington, D. C., which takes about two hours and costs \$10 per person. Tour No. 3 is a tour of Arlington National Cemetery, Iwo Jima Memorial and the Kennedy Center, taking about two hours at a cost of \$10 per person. Tour No. 4 is a combination of Tours 1 and 2 for five hours at \$15 per person. Tour No. 5 is a combination of Tours 2 and 3 for three hours at \$15 per person. Tour No. 6 is a combination of Tours 1, 2, and 3 for eight hours at \$20 per person. Children under ten years of age would be carried at half fare when accompanied by both parents. Applicant proposes to provide the service in two air-conditioned 12-passenger vans.

As noted in Order No. 1558, Metro-Area has submitted a letter from the Fairfax County Park Authority (FCPA) indicating a need for tour guide service to operate from Burke Lake and Lake Fairfax Campgrounds. Metro-Area also submitted a concessionaire's agreement with FCPA. That agreement permits Metro-Area to operate a tour concession originating tours at Burke Lake Park and Lake Fairfax Park, with FCPA receiving 10% commission for tours sold. Applicant was the only carrier that responded to FCPA's solicitation for bids on this operation, and it has been providing service from Burke Lake Park and Lake Fairfax Park under temporary authority.

At the time of the hearing, applicant was not operating at capacity. It did expect, however, that business would increase substantially when the summer season began. Aggregate capacity of the two FCPA facilities is approximately 400 campsites. However, Lake Fairfax Park is not open between October 1 and March 31. Applicant would supplement patronage from the parks by picking up passengers at various motels en route. Those motels mentioned as being sources of clientele are Prestway Motor Court, Patton Motor Hotel, 9990 Lee Highway, Fairfax, Va., Washington Motor Court and Holiday Inn, junction Interstate Highway 66 and Virginia Highway 234, Manassas, Va. In addition, some passengers call applicant in response to its advertisement in the yellow pages of the telephone book.

Applicant's brochure lists six tours, although only Tour No. 6 is offered in connection with service to the parks. The tour proposed herein would last approximately eight hours and include (1) interior tours of the United States Capitol, the White House (if open), the Smithsonian Institution, the Bureau of Engraving and Printing, and the Lincoln Memorial, (2) a general tour of Washington, D. C., and (3) stops at the Marine Corps War Memorial and the grave of President John F. Kennedy. Cost of this tour is \$20 per adult and \$10 for each child under 10 years of age when accompanied by both parents.

## DISCUSSION AND CONCLUSIONS

The Compact, Title II, Article XII, Section 4(b), provides that a certificate of public convenience and necessity shall be issued by the Commission if it finds "... that the applicant is fit, willing and able to perform such transportation properly and to conform to the provisions of this Act and the rules, regulations, and requirements of the Commission thereunder, and that such transportation is or will be required by the public convenience and necessity; otherwise, such application shall be denied." The Commission finds the application should be granted only insofar as authority is sought to transport passengers, over irregular routes, in special operations limited to round-trip sight-seeing tours, from Burke Lake Campgrounds and Lake Fairfax Campgrounds, Fairfax County, Va., to Washington, D. C., and Arlington National Cemetery, Va. To this extent, the Commission is of the opinion that applicant has met its statutory burden of proof by establishing a need for its service and further showing that no other certificated carrier is now meeting said need.

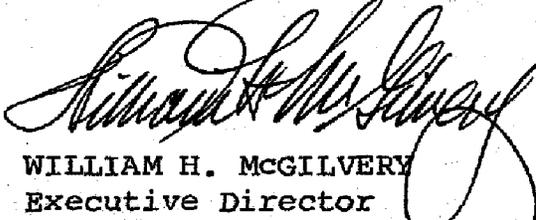
The Compact, Title II, Article XII, Section 4(b) also provides that "The Commission shall have the power to attach to the issuance of a certificate and to the exercise of the rights granted thereunder such reasonable terms as the public convenience and necessity may require; ..." In this connection, we note that applicant's contract with FCPA is for a fixed period of time and subject to renewal, presumably, pending the outcome of annual competitive bidding. In order to assure that applicant will be in a position to render reasonable, continuous and adequate service to the public, the Commission finds that the public convenience and necessity require that the authority granted herein contain a restriction requiring applicant to notify the Commission of any cancellation, termination, suspension, extension, or other change in said agreement.

Applicant, however, has failed to adduce probative evidence in support of its request for authority to serve points en route in Fairfax and Arlington Counties, Va. It could name only four specific points at which service was assertedly required, and two of these (Prestway and Washington) are not identified by location and have no listing according to the records of the C & P Telephone Company. Moreover, there is no showing regarding the volume of service required at such points. Accordingly, the application, except to the extent indicated above, should be denied.

THEREFORE, IT IS ORDERED:

1. That Application No. 941 of Betty Jean Davis trading as Metro-Area Sightseeing Tours be, and is hereby, granted in part as hereinabove stated and denied in all other respects.
2. That Certificate of Public Convenience and Necessity No. 36, as attached hereto and made a part hereof, be, and it is hereby, issued to Betty Jean Davis trading as Metro-Area Sightseeing Tours.
3. That Betty Jean Davis trading as Metro-Area Sightseeing Tours be, and is hereby, directed to file two copies of WMATC Tariff No. 1 in accordance with the authority granted herein, said 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. 36

BETTY JEAN DAVIS TRADING AS  
METRO-AREA SIGHTSEEING TOURS  
NORTH SPRINGFIELD, VIRGINIA

By Order No. 1625 of the Washington Metropolitan Area Transit Commission issued Wednesday, November 17, 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. 1625 , served Wednesday, November 17, 1976

THEREFORE, IT IS ORDERED, that the said carrier be, and 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 being granted to the said carrier.

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

IRREGULAR ROUTES:

SPECIAL OPERATIONS, limited to round-trip sightseeing tours

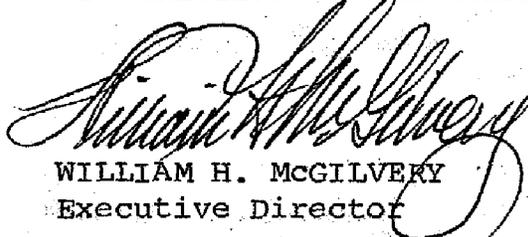
From Burke Lake Campgrounds and Lake Fairfax Campgrounds, Fairfax County, Virginia, to Washington, D. C., and Arlington National Cemetery, Virginia, and return.

RESTRICTED to the performance of such transportation in vehicles having a seating capacity for not more than 12 passengers, excluding the driver.

IT IS FURTHER ORDERED, that the above-named carrier be, and is hereby, directed to file with the Commission written notice of any cancellation, termination, extension, or suspension of the carrier's contract with Fairfax County Park Authority within five (5) days of the date thereof, and further directed that any change in or amendment to said contract shall be filed with the Commission for approval at least fifteen (15) days prior to the proposed effective date of such change or amendment; provided, however, that any new authority shall be subject to the provisions of the Washington Metropolitan Area Transit Regulation Compact and the Rules and Regulations of the Commission.

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. MCGILVERY  
Executive Director