

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1659

IN THE MATTER OF:

Served March 11, 1977

Application of WEBB TOURS, INC.,	)	Application No. 895
for Certificate of Public Convenience	)	
and Necessity to Perform Special	)	Consolidated Docket No. 304
Operations	)	

By application filed May 17, 1976, Webb Tours, Inc. (Webb), sought reconsideration of three aspects of Order No. 1536, served April 15, 1976. Webb requested (a) authority to lease conventional equipment, (b) authority to provide a shuttle service in connection with its certificated per capita sightseeing operations, and (c) authority to perform special operations limited to sightseeing and pleasure tours from and to Mount Vernon, Va. The issues raised in connection with (a) and (b) above were fully discussed and disposed of in Order No. 1563, served June 1, 1976, and need not be repeated herein. 1/ With respect to operations to and from Mount Vernon, the Commission found that there was no evidentiary basis for finding that there is a demand for Webb's service, and scheduled a further hearing for the purpose of receiving such evidence. Accordingly, a second hearing was held on June 14, 1976. Following is a summary of the evidence adduced at said hearing, and the Commission's conclusions therefrom.

As indicated above, evidence at the June 14, 1976, hearing was confined to the need for applicant's service to and from Mount Vernon. Applicant has not yet determined its exact itinerary, but is considering (a) two-way bus operations directly to and from Mount Vernon, (b) one-way bus operations directly to Mount Vernon with return by boat and (c) either of the above two routings in conjunction with a tour of either the Georgetown section of Washington, D. C., Old Towne, Alexandria, Va., or Arlington, Va. 2/ Service

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1/ Order Nos. 1536 and 1563 are incorporated by reference herein.

2/ The conjoining services are authorized by applicant's existing certificate, except to the extent service solely between points in Virginia may be contemplated. See Compact, Title II, Article XII, Section 1(b).

would be performed in British manufactured double-deck buses, and routing would be generally over the George Washington Parkway to Alexandria and thence over U. S. Highway 1. <sup>3/</sup> Applicant has received telephone requests for Mount Vernon tours, but has referred callers to other certificated carriers. Webb proposes to charge \$17 per adult for its Mount Vernon tour, and that price would include entrance fees and boat tickets, when return is by boat. The fare for children would be \$9.50. Applicant is aware that other carriers offer per capita bus tours to Mount Vernon but feels that Webb's tour is unique because of the type of vehicle involved.

A representative of Global Travel, Incorporated (Global), testified that Global receives requests for Mount Vernon trips on Webb's bus. Global has been booking individuals on tours offered by The Gray Line, Inc. (Gray Line), but the witness was unsure as to the number of persons requesting service.

Protestant Gray Line offers four tours involving Mount Vernon: (a) an all-day bus tour of Washington, D. C., including Arlington Cemetery, Alexandria and Mount Vernon; (b) an all-day tour identical to (a) except that return from Mount Vernon is by boat; (c) a half-day bus tour of Alexandria and Mount Vernon; and (d) a half-day tour identical to (c) except that return from Mount Vernon is by boat. Protestant operates over the Mount Vernon Memorial Parkway and estimates that travel time over this route is 20 to 25 minutes less than that proposed by applicant. Gray Line believes that its route, accordingly, is superior, and otherwise sees no difference between its service and applicant's proposed operation other than the type of bus involved.

#### DISCUSSION AND CONCLUSIONS

The findings to be made by the Commission with respect to applications for a certificate of public convenience and necessity are set forth in Title II, Article XII, Section 4(b) of the Compact. 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 Commission's rules, regulations and requirements thereunder. Second, the proposed transportation must be required by the public convenience and necessity.

The Commission has already evaluated Webb's fitness in this proceeding, and hereby reaffirms its prior conclusions. In addition, we find that applicant is fit, willing and able properly to provide the service authorized herein. The Commission further finds that there is a public need for per capita sightseeing service to and from Mount Vernon to be provided in

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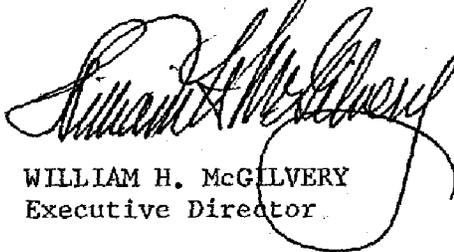
<sup>3/</sup> Applicant's buses are too high safely to traverse the Mount Vernon Memorial Parkway.

British manufactured double-deck buses. The overall evidence in this proceeding shows that tours in such vehicles constitute a unique and distinctive experience not available from existing certificated carriers, and the testimony at the second hearing indicates that several prospective tour patrons have specifically requested this experience. In accordance with the evidence, service will be restricted to transportation in British manufactured double-deck buses, provided, however, that leased conventional vehicles may be used when double-deck buses are inoperative as specified in Order No. 1563.

THEREFORE, IT IS ORDERED:

1. That Application No. 895 of Webb Tours, Inc., to the extent authority is sought to transport passengers, in special sightseeing or pleasure tours, from points in the District of Columbia to Mount Vernon, Va., and return, subject to certain restrictions, be, and it is hereby, granted.
2. That Application No. 895 of Webb Tours, Inc., except to the extent granted herein and in Order Nos. 1536 and 1563, be, and it is hereby, denied.
3. That Certificate of Public Convenience and Necessity No. 33, as attached hereto and made a part hereof, be, and it is hereby, reissued.
4. That Webb Tours, Inc., be, and it is hereby, directed to file two copies of WMATC Tariff No. 2 specifying rates as authorized herein and also specifying an exact itinerary, said tariff to be filed on or before March 25, 1977, to be effective upon acceptance by the Executive Director.
5. That except as expressly modified herein, the terms and provisions of Order Nos. 1536 and 1563 shall continue in full force and effect.

BY DIRECTION OF THE COMMISSION:



WILLIAM H. MCGILVERY  
Executive Director

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION  
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

NO. 33

By Order Nos. 1536, 1563 and 1659 of the Washington Metropolitan Area Transit Commission issued April 15, 1976, June 1, 1976 and March 11, 1977;

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 Nos. 1536, 1563 and 1659;

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 thereof 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 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:

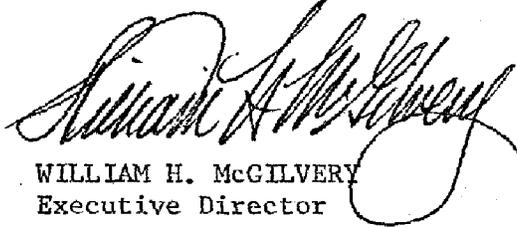
- A. CHARTER OPERATIONS, round-trip sightseeing or pleasure tours, between points in the Metropolitan District.
- B. SPECIAL OPERATIONS, limited to sightseeing or pleasure tours,
  - (1) between points in the District of Columbia, City of Alexandria, Virginia, and Arlington County, Virginia;
  - (2) from points in the District of Columbia to Mount Vernon, Virginia, and return.
- C. SPECIAL OPERATIONS, limited to shuttle service for patrons of sightseeing or pleasure tours authorized in B above, as an incidence thereto and not to include any sightseeing, from points in the Metropolitan District to join such sightseeing or pleasure tours as authorized herein, and return.

RESTRICTIONS

1. Service authorized in A and B above is restricted to the performance of such operations in British manufactured double-deck buses; provided, however, that performance of such operations may be in leased conventional bus vehicles when British manufactured double-deck buses are inoperative, and further provided that the carrier file with the Commission within five days of each leasing of conventional equipment, a written statement setting forth the date and service for which the conventional equipment was leased and the reason therefor.
2. Service authorized in C above is restricted to the performance of such operations in vehicles with a manufacturer's designed maximum seating 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.

BY DIRECTION OF THE COMMISSION:



WILLIAM H. MCGILVERY  
Executive Director