

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1866

IN THE MATTER OF:

Served July 27, 1978

Investigation to Determine)
the Nature of Uncertificated)
Operations, if Any, by DIAMOND)
TOURS, INC., Between Points In)
the Metropolitan District)

Case No. MP-78-10

Pursuant to the Compact Title II, Article XII, §13(b) "The Commission may investigate any facts, conditions, practices, or matters which it may find necessary or proper in order to determine whether any person has violated or is about to violate any provision of this Act or any rule, regulation, or order thereunder, or to aid in the enforcement of the provisions of this Act. . . .

Diamond Tours, Inc. (Diamond), is authorized by the Commission, in Certificate No. 2, to transport, over irregular routes, passengers and their baggage, in both charter and special operations, round-trip, sightseeing or pleasure tours, (1) from points within the District of Columbia to Alexandria, Arlington National Cemetery and Mount Vernon, Va., and return, and (2) from points within the District of Columbia to points within the District of Columbia. Diamond has a corresponding tariff on file, (WMATC Tariff No. 5), listing its rules, regulations and charges.

The following information concerning Diamond's operations has come to the attention of the Commission which, if true, would be violative of the Compact:

(1) Diamond is operating an all-day sightseeing tour picking up passengers at motels along U. S. Highway 1 in Arlington, Va., contrary to the Compact, Title II, Article XII, §4(a);

(2) Diamond is charging \$3.50 per person for the tour, an amount not covered in its tariff, in violation of Title II, Article XII, §5(d) of the Compact;

(3) Diamond, in conjunction with Holiday Tours, Inc., Holiday Gift Shops and/or Holiday Travel Club, Inc., is allowing others to operate under the penumbra of Diamond's certificate, in violation of the Compact, Title II, Article XII, §3; and

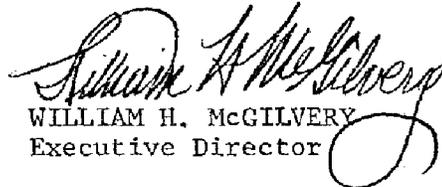
(4) Diamond has been providing service for the Department of the Navy between the Arlington Annex, Arlington, Va., and the Wolfe Building, 8621 Georgia Avenue, Silver Spring, Md., and between other points in the Metropolitan District despite denial of its application for such temporary authority in Order No. 1837 served April 27, 1978 and thus contrary to Title II, Article XII, §4(a) of the Compact.

In order to determine whether violations of the Compact have occurred, the Commission concludes that there appear to be reasonable grounds for instituting an investigation into the matters recited above. Diamond will be directed to produce books, papers, contracts, correspondence and any other records which are relevant to the investigation, pursuant to Compact, Title II, Article XII, §10(a) and (d). It will also be assessed an amount to cover the costs of the investigation as set forth in Title II, Article XII, §19(a) of the Compact.

THEREFORE, IT IS ORDERED:

1. That an investigation of the matters set forth above is hereby instituted.
2. That Diamond Tours, Inc., is hereby made a party respondent to this proceeding.
3. That the above-docketed matter is hereby scheduled for public hearing to commence Tuesday, August 22, 1978, at 9:30 a.m. in the Hearing Room of the Commission, Room 314, 1625 I Street, N. W., Washington, D. C. 20006.
4. That Diamond Tours, Inc., is hereby directed to produce for inspection and photocopying any and all books, papers, contracts, account records and correspondence in its possession or under its control for the period February 1, 1978, through July 22, 1978, relating to the alleged activities set forth above at the office of the Commission, Suite 316, 1625 I Street, N. W., Washington, D. C. 20006, no later than 10:00 a.m., Tuesday, August 15, 1978.
5. That Diamond Tours, Inc., is assessed \$400 pursuant to Title II, Article XII, §19 of the Compact, and directed to deliver said amount to the office of the Commission, Suite 316, 1625 I Street, N. W., Washington, D. C. 20006, no later than 10:00 a.m., Tuesday, August 15, 1978.

BY DIRECTION OF THE COMMISSION:


WILLIAM H. MCGILVER
Executive Director