

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 2418

IN THE MATTER OF:

Served May 17, 1983

Application of WASHINGTON TOURS,)
INC., for Temporary Authority to)
Conduct Special Operations --)
Sightseeing)

Case No. AP-83-14

By application filed April 28, 1983, Washington Tours, Inc., seeks temporary authority pursuant to Title II, Article XII, Section 4(d)(3) of the Compact to conduct irregular-route operations transporting passengers, in special operations, limited to sightseeing or pleasure tours, from points in those parts of Montgomery and Prince George's Counties, Md., located outside or beyond the Capital Beltway, to points in the District of Columbia and Arlington Cemetery, Arlington, Va., and return.

Applicant's proposed tariff */ contains the following rate structure:

	<u>Adults</u>	<u>Children 5-11</u>	<u>Children under 5</u>
Tour A--All Day Deluxe	\$26.50	\$13.25	Free
Tour B--Washington All Day	23.00	11.50	Free
Tour C--Two Day Deluxe Combination	43.50	21.75	Free

Applicant operates two vehicles, a 1982 15-passenger van and a 1962 41-passenger bus.

In support of this application Washington Tours states that no carrier is providing sightseeing service from its proposed origin territory, yet there are numerous motels and hotels with guests desiring to view the sights of Washington, D. C. Included with the application are six verified letters supporting a grant of temporary authority.

*/ The tariff contains no description of the tours.

The letters supporting this application generally state that there is no sightseeing service available from the involved bus terminal, motels and hotels. Guests inquire as to the availability of such a service. Affiants state that the use of private automobiles or taxicab service is the only existing alternative, and there is an immediate and urgent need for the proposed service.

Webb Tours, Inc., filed a protest to the application on April 29, 1983. Webb's individually-ticketed sightseeing authority is limited to sightseeing or pleasure tours in double-deck buses, (1) between points in the District of Columbia, City of Alexandria, Va., and Arlington County, Va.; and (2) from points in the District of Columbia to Mount Vernon, Va., and return. As relevant to this application to originate passengers in Montgomery and Prince George's Counties beyond the Beltway, Webb may also operate vehicles seating 15 or fewer passengers, not in sightseeing service, to shuttle passengers to join its double-deck sightseeing tours described above. While Webb states that it is ready, willing and able to provide the identical service sought by applicant, it does not hold identical operating authority. Further, in spite of the fact that Webb already holds a different type of authority enabling it to shuttle passengers to join its double-deck bus tours, Webb provides no indication that it is actually providing such service in the territory at issue.

Webb's protest also asserts a need for removing current restrictions contained in certificates of existing carriers. As to this matter, Webb's application No. AP-82-11 sought, inter alia, to remove all restrictions from Webb's Certificate No. 33. That application was denied by Order No. 2404, served March 30, 1983. On April 29, 1983, Webb sought reconsideration of that order. The appropriateness of restrictions on Webb's or any other carrier's authority is not relevant to the instant application.

Upon consideration of the record, we find that applicant has met its burden of proof for a grant of temporary authority. The only protestant herein, Webb, does not hold the requisite authority to provide the service proposed herein. Applicant will be directed to describe fully the itinerary of the tours included in its tariff.

THEREFORE, IT IS ORDERED:

1. That the application for temporary authority sought in Case No. AP-83-14 is hereby granted.

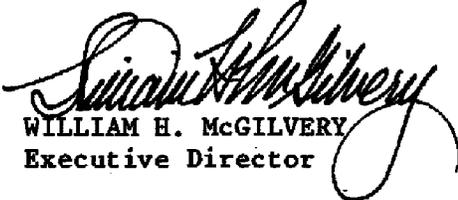
2. That a certificate of insurance in the form prescribed by Commission Regulation No. 62 be filed by applicant.

3. That two copies of a revised tariff including a full and complete description of each tour be filed by applicant.

4. That applicant comply with the provisions of Commission Regulation No. 68-03 and file an affidavit evidencing such compliance within ten days of the date of service of this order.

5. That the temporary authority granted herein shall be effective on the date of service of this Order or the date on which applicant files an acceptable certificate of insurance and revised tariff, which ever is later, and shall continue in effect for 180 days unless otherwise ordered by the Commission.

BY DIRECTION OF THE COMMISSION, COMMISSIONERS CLEMENT, SCHIFTER AND SHANNON:


WILLIAM H. MCGILVERY
Executive Director