

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 2421

IN THE MATTER OF:

Served May 23, 1983

Application of BABEL TRAVEL)
SERVICE, INC., for Temporary)
Authority to Conduct Charter)
Operations -- Sightseeing)

Case No. AP-83-31

By application filed May 5, 1983, Babel Travel Service, Inc., seeks temporary authority to transport passengers and their baggage, in charter operations, between Dulles International Airport, Washington National Airport, Arlington National Cemetery, Alexandria, and Mt. Vernon, Va., and points in the District of Columbia. ^{1/} Applicant proposes to serve "tourists arriving in the Washington area from abroad, chiefly Latin America and Spain." Inasmuch as its clients cannot speak English, Babel provides both foreign-language escorts "to assist them at the airport" and foreign-language sightseeing guides for tours.

Babel's transportation services are part of comprehensive tour packages offered by travel wholesalers located in Orlando, Fla., New York, N. Y., Rutherford, N. J., or overseas. These wholesalers (from their brochures) appear to function as brokers who arrange air and ground transportation, hotel accommodations, sightseeing tours and other events. Accordingly, applicant's rate structure is based on the number of persons in a group even though the service is in fact charter because the group is preformed with a common purpose and acquires use of Babel's vehicle under a single contract. The rate structure follows.

^{1/} The application does not specify points to be served other than on the map attached thereto. Although Baltimore-Washington Airport is indicated on the map, it is not considered here because that point is outside the Metropolitan District.

SIGHTSEEINGNUMBER OF PASSENGERS 2/

	1	2	3-5	6-14	15-30	31+
D. C. & Arlington Cemetery	\$32	\$16	\$15	\$14	\$13	\$11
Alexandria & Mt. Vernon	36	18	16.50	15.25	14.50	13.50
D. C. at night	34	17	16	15	13	11
Residential & shopping areas	36	18	16.50	15.25	14.50	13.50

TRANSFERS

Washington National Airport or bus/train terminals	21	10.50	8.50	7.50	6.75	6.50
Dulles International Airport	32	16	12.75	11.50	9.75	8.50

These prices include the foreign-language escort/guide but exclude gratuities. 3/

Babel operates four vans, each with a seating capacity of 15 passengers or less, including the driver. It states that it has dealt exclusively with the foreign travel market for several years in the belief that it had "fulfilled all of the requirements of the law." Upon being informed by the Commission's staff that a certificate was required, applicant ceased operations and filed this application.

Applicant points out that the brokers with whom it works have already published their brochures and made commitments to passengers, hotels, etc., predicated upon the availability of services and prices promised by Babel. It is asserted that brokers, passengers and applicant would all be seriously injured by an interruption of these activities.

Babel submitted extracts from its records showing the number of passengers served in June, July and August 1982, and existing reservations for July 1983, as follows: 4/

<u>6/82</u>	<u>7/82</u>	<u>8/82</u>	<u>7/83</u>
491	2,299	1,233	1,073

- 2/ For groups of more than 14 persons, transportation is actually performed by a bus operator, mainly Gold Line, Inc.
- 3/ Gratuities may not be included in a carrier's charges absent the express permission of this Commission.
- 4/ For 1982, it is impossible to determine how many passengers were transported by Babel (as opposed to Gold Line, Inc.). For July 1983, it appears that most groups would be transported by a bus operator.

Also submitted was evidence of appropriate insurance.

The Hyatt Regency Hotel states that it has worked with Babel for three years and credits applicant as an asset to the promotion of tourism from Spanish speaking countries to the Washington, D. C., area. The Hyatt asserts that "[a]llthough there are [various] companies in the Washington area that offer a similar service, there is no established company that specializes in the Spanish speaking tour market. * * * Not to have the services that Babel Travel has to offer the Spanish speaking visitor to Washington will discourage other tour companies to promote Washington as a destination."

The Washington Marriott Hotel states that a large portion of its clientele is from Latin American countries. Most of this business is generated by tour agencies which utilize the services of applicant. All involved find that applicant provides excellent service. The Marriott says of applicant's president:

To discontinue his operations would be to alienate the producers of a major segment of D. C.'s travel market. The marked increase in tourists from the Latin American countries to Washington can undoubtedly be, in part, attributed to Mr. Cueto's efforts. Not only does he provide the most professional and personal service, I have seen from a travel service, but more importantly, he ~~understands these guests and their needs.~~ His own background allows him to relate to them - their language, concerns and mentality. This close relationship has allowed Mr. Cueto to provide these tourists with exactly the type of activities they'll enjoy most. Of course, their delight with our city can only result in a further increase of visitors from this market.

International Limousine Service, Inc., opposes this application. International holds WMATC Certificate No. 38 authorizing charter operations between points in the Metropolitan District subject to certain restrictions including vehicle size (16-to 21-passenger minibuses) and airport service (only in connection with a prearranged charter movement by the same party between at least two other points in the Metropolitan District). Protestant points out that it employs Spanish speaking guides/drivers and asserts that it is fully capable of meeting such service needs as may exist. International's rate structure is as follows:

Sightseeing (4-hour minimum)	\$29.50/hr
General Charter (3-hour minimum)	28.00/hr
Transfer-National Airport or bus/train terminal	55.00
Transfer-Dulles Airport	78.00

Beltway Limousine Service, Inc., filed a letter stating that it does not object to a grant of temporary authority limited to the specific service proposed herein (i.e., Spanish speaking tourists from abroad). Beltway would, however, protest any grant of general, unrestricted charter authority. Airport Limo, Inc., has also advised that it will not oppose the limited temporary authority sought herein. Its right to protest any corresponding application for permanent authority, however, is specifically reserved.

Weighing the evidence of record, we find that the criteria of Title II, Article XII, Section 4(d)(3) have been met, and that this application should be granted subject to certain restrictions as set forth below. Applicant appears to have been operating in good faith and ceased operations when instructed so to do. A substantial number of tour brokers and passengers have already booked Babel's service, and the difficulties which would be engendered by requiring these brokers and passengers to seek out other carriers would be significant if not completely insurmountable. Granting this application raises no presumption with respect to any application for corresponding permanent authority.

THEREFORE, IT IS ORDERED:

1. That Babel Travel Service, Inc., is hereby granted temporary authority to transport passengers and their baggage, in charter operations, between Dulles International Airport, Washington National Airport, Arlington National Cemetery, Alexandria City and Mt. Vernon, Va., and points in the District of Columbia.

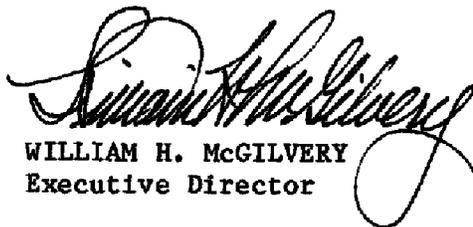
RESTRICTED: (a) to transportation in vehicles with a manufacturer's designed seating capacity for 15 passengers or less (including the driver); (b) to transportation for Spanish or Portuguese speaking groups originating outside the United States and contracted for by bona fide travel agencies or tour brokers; (c) against transportation between points located solely in the Commonwealth of Virginia; and (d) against transportation described in Commission Regulation No. 70.

2. That said temporary authority is effective on the date of service of this Order or the date on which applicant files an acceptable certificate of insurance, whichever is later, and shall remain in effect for 180 days unless otherwise ordered by the Commission.

3. That applicant is hereby directed to identify its vehicles as required by Regulation No. 68-03 and to add to its advertising material the statement required by Regulation No. 71-02 (formerly Regulation No. 69-02).

4. That, except to the extent granted herein, the application in Case No. AP-83-31 is hereby denied.

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



WILLIAM H. MCGILVERY
Executive Director