

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 2422

IN THE MATTER OF:

Served May 23, 1983

Application of RICHARD W. BUTLER)
T/A WASHINGTON, D. C. HISTORICAL)
TOURS for Temporary Authority to)
Conduct Special Operations —)
Sightseeing)

Case No. AP-83-24

By application filed May 5, 1983, Richard W. Butler seeks temporary authority to transport passengers in "[p]ersonalized chartered sightseeing tours of historic buildings and other points of interest in Washington, D. C." It appears, however, from applicant's brochure (labeled as a tariff) that applicant also provides tours to Arlington National Cemetery, Va., and that the service is per-capita special operations, rather than charter. This application will be treated accordingly.

The brochure lists 60 points of interest with stops at the U. S. Capitol, the White House (when available) or the Air and Space Museum, Smithsonian Institution, the grave of John F. Kennedy, Lincoln Memorial and Ford's Theatre. The price of the tour is \$15 per adult and \$7.50 for children 11 years of age and under when accompanied by an adult.

In support of the application Ms. Geraldine Linscott, proprietress of Geraldine's Beefeaters Restaurant, states that in the last five years applicant has provided hundreds of her customers with "a personalized and intimate tour of our Nation's Capitol." These customers have been "extremely satisfied." The loss of Mr. Butler's service would result in a substantial diminution of Ms. Linscott's business.

John Tsilis, vice president of Doggett Parking has also referred customers to Mr. Butler for several years. These persons have been "extremely pleased" with applicant's tours, particularly their "personalized nature." Joseph O'Rourke, president of Execon, Inc., a consulting business, also filed an affidavit of support, concurring generally with the comments of Mr. Tsilis.

Webb Tours, Inc., has filed protests to similar applications, and its counsel has notified the staff of the Commission of Webb's opposition to any new grant of authority. However, Webb's current service is substantially different from the unscheduled operations proposed by applicant.

Upon consideration of this record, we find that applicant has met its burden of proof for a grant of temporary authority as set forth at Title II, Article XII, Section 4(d)(3) of the Compact, to serve that segment of the traveling public desiring informal, flexible sightseeing tours of the nation's capital. Accordingly, the application shall be granted subject to the restrictions and conditions set forth below.

THEREFORE, IT IS ORDERED:

1. That temporary authority is hereby granted to applicant as follows:

Special operations, restricted to lectured, round-trip sightseeing tours, between Arlington National Cemetery, Va., and points in that part of the District of Columbia south of a line beginning at the junction of Constitution Avenue, N. W., and Rock Creek Parkway, N. W., thence along Constitution Avenue, N. W., to 17th Street, N. W., thence along 17th Street, N. W. to Pennsylvania Avenue, N. W., thence along Pennsylvania Avenue, N. W., to 10th Street, N. W., thence along 10th Street, N. W., to F Street, N. W., thence along F Street, N. W., to 9th Street, N. W., thence along 9th Street, N. W., to Pennsylvania Avenue, N. W., thence along Pennsylvania Avenue, N. W., to Constitution Avenue, N. W., thence along Constitution Avenue to its junction with 2nd Street, N. E.

RESTRICTED to the transportation of passengers in vehicles with a manufacturer's designed seating capacity of 15 passengers or less (including the driver); and

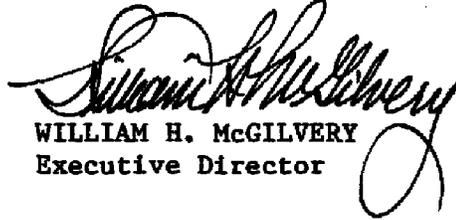
FURTHER RESTRICTED against the solicitation of passengers on any public space south of a line beginning at the junction of the east side of East Executive Avenue and the center line of Pennsylvania Avenue, N. W., thence along

Pennsylvania Avenue, N. W., and a line extending along the northern boundary of the White House and the Executive Office Building to the west side of 17th Street, N. W. */

2. That the temporary authority granted herein shall be effective on the date of service of this Order or the date on which applicant files a certificate of insurance in compliance with Regulation No. 62, two copies of a tariff in compliance with Regulation No. 55, and an affidavit stating that applicant has complied with Regulation No. 68-03 (identification of equipment) and Regulation No. 71-02 (formerly Regulation No. 69-02 governing contents of advertising), whichever is later, and shall continue in effect for 180 days unless otherwise ordered by the Commission.

3. And that, except to the extent granted herein, the application in Case No. AP-83-24 is hereby denied.

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


WILLIAM H. MCGILVERY
Executive Director

*/ D. C. Police Regulations (January 1983), Article II, §8(e)(7).