

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 2449

IN THE MATTER OF:

Served August 10, 1983

Application of LEO LAGANA for)
Temporary Authority to Conduct)
Special Operations -- Sightseeing)

Case No. AP-83-43

By application filed July 7, 1983, Leo Lagana seeks temporary authority to conduct special operations between points in the Metropolitan District, restricted to sightseeing tours for not more than 10 passengers.

No description of the tours is provided except that they last approximately five hours. Adults are charged \$12, children ages 5 through 11 are carried for \$6 and there is no charge for children under 5 years of age. Applicant owns a 1974 11-passenger van.

Mr. Lagana has a D. C. hacker's license and has held a class A guide permit for more than 40 years. His past operations apparently were conducted in a good faith belief that he had acquired all applicable licenses. Mr. Lagana states that many people visiting Washington, D. C., prefer flexible tour services to those which conform to the strictures of fixed routes and schedules.

Applicant's statement of projected revenue and revenue deductions for part-time operations during summer months anticipates \$6,000 in revenue and \$1,956 in expenses (exclusive of driver's draw or salary).

Several affidavits supporting the application were filed. Generally, affiants state that they have used applicant's services in the past, finding the tours informative and enjoyable, and that they have recommended the service to family, friends and customers. Both a motel manager in Langley Park, Md., and the president of a lumber company state that their customers have been served by applicant. In addition, two individuals who have known applicant for a number of years expressed their satisfaction with the numerous tours they have taken.

Title II, Article XII, Section 4(d)(3) sets forth the criteria for temporary authority. We find that these criteria have been met in the instant case. There appears to be a continuing need for the individualized service offered by Mr. Lagana. Accordingly, the application shall be granted subject to the restrictions set forth below. Although applicant seeks to serve the Metropolitan District, the evidence of record supports only limited sightseeing service. In conformance with other similar cases, the origin of these tours will be limited to the Mall area in Washington, D. C. An appropriate certificate of insurance has been filed with the Commission. Applicant will be directed to file an amended tariff specifying the points to be served on its tours.

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 Mount Vernon and 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 11 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 an affidavit of compliance with Commission Regulation No. 68-03 governing identification of vehicles, Regulation No. 71 (formerly Regulation No. 69) governing the contents of advertising, and an appropriate tariff consistent with Regulation No. 55, whichever is later, and shall continue in effect for 180 days unless otherwise ordered by the Commission.

3. That applicant is directed to file the materials specified in the preceding paragraph within 10 days from the date of service of this order.

4. That, except to the extent granted herein, the application is hereby denied.

5. That applicant is hereby directed to file a corresponding application for permanent authority within 30 days from the date of this Order and the failure of applicant so to do shall automatically void the grant of temporary authority made herein at 11:59 p.m. on the last day of the compliance period.

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


WILLIAM H. MCGILVERY
Executive Director

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