

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 2503

IN THE MATTER OF:

Served November 28, 1983

Application of AL's TRAVEL SERVICE,)
INC., for a Certificate of Public)
Convenience and Necessity to)
Conduct Special Operations)

Case No. AP-83-42

By application filed June 6, 1983, Al's Travel Service, Inc., seeks authority to transport passengers, together with mail, express and baggage in the same vehicle with passengers, in special operations providing ". . . (1) Transportation of Tours (2) Limousine Service (3) Sightseeing Tours Operating between points of interest within the Metropolitan District." Pursuant to Order No. 2442, served July 11, 1983, and incorporated by reference herein, public hearing on the application was held on August 10 and September 14, 1983. No party appeared in opposition to the application.

The president of applicant testified that he operates three traditional limousine vehicles (seating less than eight passengers) and a 15-passenger van and has been providing local sightseeing service for a number of years primarily in the Mall area. ^{1/} The popular sightseeing points, Ford's Theater, the White House, U. S. Capitol, Bureau of Engraving, Lincoln Memorial, Arlington National Cemetery and National History Museum, were mentioned by applicant as destinations his tour has included in prior service and during temporary authority operations. He also mentioned that he ". . . would like to [serve Mount Vernon]." The witness stated that he also desired to provide service transporting students for the Holton-Arms School, Bethesda, Md., from points in Washington, D. C. and Montgomery County, Md., but that he had no witnesses to support that portion of his application.

Applicant's president stated that he has a regular maintenance schedule for equipment and that he uses his smaller limousines as back-up equipment if his van is out of service. The proposed rate structure

^{1/} See Order Nos. 2447 and 2467, served August 9, 1983, and September 14, 1983, respectively, regarding sightseeing operations on the Mall.

includes a \$15 charge for a building tour (\$7.50 for children between 5 and 11, children under 5 free) and \$25 for a combination tour (buildings plus memorials and Arlington Cemetery) with reduced children's rates. For the next 12 months, applicant projects van revenue of \$40,000 and expenses of approximately \$30,000. Passengers are usually solicited in the area of the Mall, but other passengers may make arrangements from outside the Metropolitan District individually or through travel agents.

Four witnesses testified regarding a need for sightseeing service. The first witness, an assistant manager of a local federal credit union, has used applicant's service individually and has arranged for service outside the geographical scope of this application. He stated that he would recommend the service to people who are visiting from out-of-town and looking for a sightseeing tour.

The second witness, an administrative assistant at the National Parents Center in Washington, D. C., has used, and desires to continue using, applicant's service to provide sightseeing tours around Washington, D. C., for parents' groups when they attend conferences in Washington, D. C. The groups average between 10 and 15 people each and visit traditional sightseeing points and the Georgetown area.

The third witness, a local consultant and former administrative assistant to Senator Russell Long, stated that applicant has provided service for the Senator's office for a period of years. In addition, the witness stated that he has recommended applicant on many occasions to groups of people from Louisiana seeking local sightseeing service, and has used the service for his own family as well.

The last witness, current legislative assistant to Senator Long, stated he has arranged transportation service for Louisiana constituents who desire to see sightseeing points when visiting Washington, D. C. The groups vary in size from 3 or 4 people up to ten people. He stated that he, like the previous witness, has been told by those persons for whom service was arranged that the service was satisfactory. These groups often originate near the Capitol or at the Senate office buildings.

The Compact, Title II, Article XII, Section 4(b) provides that a certificate of public convenience and necessity shall be issued by the Commission if it finds

that the applicant is fit, willing and able to perform such transportation properly and to conform to the provisions of this Act and the rules, regulations, and requirements of the Commission thereunder, and that such transportation is or will be required by the public convenience and necessity; otherwise, such application shall be denied.

A finding of fitness is a prerequisite under the Compact to a grant of authority, and applicant has the burden of establishing its fitness properly to perform the proposed service in keeping with the terms and conditions of the applicable statutory and Commission requirements.

Regarding compliance fitness, the Commission does not believe that prior operations rendered by applicant warrant the conclusion that pertinent regulatory requirements will be ignored in the future. 2/ Upon learning that authority was required to provide local sightseeing service, applicant ceased operation, and filed a temporary authority application and the application herein and has been operating pursuant to temporary authority. Applicant is advised, however, that it must fully familiarize itself with Compact requirements and avoid future violations which will be considered more harshly. In addition, service to be performed for the Holton-Arms School must be certificated by this Commission absent exemption pursuant to the Compact. 3/

The evidence shows that applicant is financially able to provide the proposed transportation. Applicant has sufficiently demonstrated the ability to provide the proposed transportation in a reasonably efficient, expeditious and safe manner. From the financial data submitted, it appears that its operations are financially viable. Applicant's vehicle is suitable for the proposed transportation.

The Commission must also consider whether the subject transportation is required by the public convenience and necessity, as required by Title II, Article XII, Section 4(b) of the Compact, supra.

Based on the evidence elicited at the public hearings held in this proceeding, the public has a need for the type of service proposed herein. While there are certificated carriers providing both structured and constructed sightseeing tours, none appeared in opposition to this application. There appears to be a need for a more informal tour service in the Mall area. Furthermore, the long duration of applicant's operations, coupled with the lack of opposition to this case, indicates that the grant of authority made herein will not have a material adverse effect on existing carriers.

The witnesses have been satisfied with applicant's service and it is apparent that applicant is an experienced tour guide. The personal service offered by applicant appeals to the witnesses.

2/ See Order No. 2447 at p. 14.

3/ See Title II, Article XII, Section 1(a)(3) of the Compact.

Evidence was presented for the need to originate service in the Mall area as well as at the Capitol and the Senate Office Buildings, extending to Georgetown and Arlington National Cemetery and Mount Vernon. In addition, sightseeing service for the National Parents Center is also required by the public convenience and necessity. In conformance with the evidence elicited, a restrictive amendment imposing a vehicle size limitation will be imposed. Because no need was established for the transportation of mail, express and baggage in the same vehicle with passengers (other than property remaining in the passengers' possession) that authority will be denied.

THEREFORE, IT IS ORDERED:

1. That Al's Travel Service, Inc., is hereby granted authority to transport passengers in special operations, restricted to lectured, round-trip sightseeing tours (1) 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 Delaware Avenue, N. E., thence along Delaware Avenue, N. E., to D Street, N. E., thence along D Street, N. E., to its junction with 3rd Street, N. E., and (2) from the facilities of the National Parents Center, located in the Metropolitan District, for persons attending Center activities, to points in the Metropolitan District, and return.

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

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

3. That applicant is hereby directed to file an affidavit of compliance with Commission Regulation No. 68 governing identification of motor vehicles, for which purpose carrier number "WMATC No. 101" is assigned.

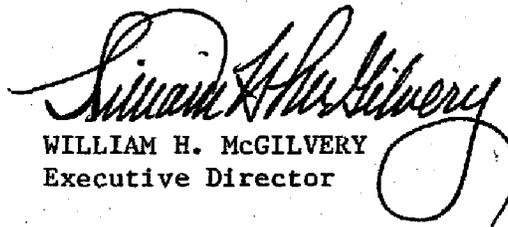
4. That applicant is hereby directed to file two copies of its WMATC Tariff No. 1 as required by Commission Regulation No. 55, such tariff to be effective upon acceptance by the Commission.

5. That applicant is hereby directed to file an affidavit that all advertising materials contain the statement required by Commission Regulation No. 71 (formerly Regulation No. 69).

6. That upon timely compliance by applicant with the directives set forth above, an appropriate Certificate of Public Convenience and Necessity will be issued, and the temporary authority previously issued to applicant shall be terminated.

7. That unless compliance with the provisions of the preceding paragraph is effected within 30 days from the date of service hereof or such additional time as the Commission may authorize, the grant of authority made herein to applicant shall be void and the application shall stand denied in its entirety effective upon expiration of the said compliance time.

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


WILLIAM H. MCGILVERY
Executive Director