

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 2518

IN THE MATTER OF:

Served January 17, 1984

Application of LEO LAGANA for a)
Certificate of Public Convenience)
and Necessity to Conduct Special)
Operations -- Sightseeing)

Case No. AP-83-51

By application filed September 8, 1983, Leo Lagana seeks a certificate of public convenience and necessity to transport passengers in special operations between points in the Metropolitan District, restricted to sightseeing operations conducted in vehicles with a manufacturer's designated seating capacity for 11 passengers or less, including the driver.

Mr. Lagana, a sole proprietor, operates an 11-passenger van and proposes to operate a tour of the monument area around the Washington, D. C., Mall, including, typically, the Supreme Court, the Library of Congress, the Hirshhorn Museum, the National Gallery of Art, the Archives and the Watergate Complex. Applicant's method of operation is to go to the area between the White House and the Washington Monument and solicit passengers for a tour. This is done on a seasonal basis, from commencement of school vacation until the end of summer.

Applicant holds himself out to provide a personal service and will substitute different points of interest for a group as its members so desire. The service is flexible also as to the amount of time spent at different sites.

Rates for tours in the past have been negotiated at the point of engagement; however, Mr. Lagana testified that he will henceforth adhere strictly to his proposed tariff on file with this Commission, which calls for a five-hour tour of specific points of interest at \$12 for adults; \$6 for children ages 5-11 years; and free for children under five years of age.

Mr. Lagana has been a cab driver and a licensed tour operator for approximately 45 years. His van is regularly maintained by professional mechanics, and he has filed the requisite certificate of insurance with this Commission.

Applicant's undated balance sheet shows total current assets of \$15,000, total assets of \$18,500, no liabilities. Testimony adduced at the hearing indicates that net income from 1982 operations was approximately \$3,809.

Two supporting witnesses appeared at the hearing. A long-time D. C. vendor testified that he had known applicant in his capacity as a tour operator for many years and on many occasions had referred tourists to Mr. Lagana.

Likewise, a friend of applicant testified to applicant's honesty and reliability, and also that he had occasion to refer tourists to Mr. Lagana.

There were no protests to this application.

The Commission must 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. Based on the evidence elicited at the public hearing, the public has a need for the type of service herein. While there are certificated carriers providing sightseeing tours, none appeared in opposition.

Applicant seeks Metropolitan area-wide authority. However, the evidence adduced at the hearing relates only to tours originating in the vicinity of the Mall; the grant of authority herein will be so delimited.

Also in accordance with the evidence, we find that Mr. Lagana is fit, willing and able, financially and otherwise, to provide the described service.

THEREFORE, IT IS ORDERED:

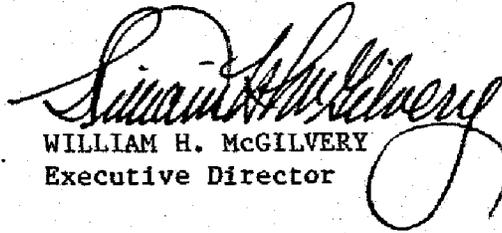
1. That Leo Lagana is hereby granted authority to transport passengers as follows:

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 11 passengers or less (including the driver).

2. That in all other respects, the application in Case No. AP-83-51 is hereby denied.

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


WILLIAM H. MCGILVERY
Executive Director