

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 2545

IN THE MATTER OF:

Served April 11, 1984

Application of WEBB TOURS, INC.,)
for a Certificate of Public Conve-)
nience and Necessity to Conduct)
Charter and Special Operations)

Case No. AP-84-12

By application filed March 12, 1984, Webb Tours, Inc., seeks a certificate of public convenience and necessity to transport passengers, in special and charter operations, subject to certain restrictions as set forth in the Appendix attached hereto. Applicant presently holds WMATC Certificate of Public Convenience and Necessity No. 33, which contains the following authorizations and restrictions:

IRREGULAR ROUTES

- A. CHARTER OPERATIONS, round-trip sightseeing or pleasure tours, between points in the Metropolitan District.
- B. SPECIAL OPERATIONS, limited to sightseeing or pleasure tours,
 - (1) between points in the District of Columbia, City of Alexandria, Virginia, and Arlington County, Virginia;
 - (2) from points in the District of Columbia to Mount Vernon, Virginia, and return.
- C. SPECIAL OPERATIONS, limited to shuttle service for patrons of sightseeing or pleasure tours authorized in B above, as an incidence thereto and not to include any sightseeing, from points in the Metropolitan District to join such sightseeing or pleasure tours as authorized herein, and return.

RESTRICTIONS

- 1. Service authorized in A and B above is restricted to the performance of such operations in British style double-deck buses; provided, however, that performance of such operations may be in conventional bus vehicles when British manufactured double-deck buses are inoperative, and further

provided that the carrier file with the Commission, within five days of each occasion of use of conventional equipment, a written statement setting forth the date and service for which the conventional equipment was used and the reason therefor.

2. Service authorized in C above is restricted to the performance of such operations in vehicles with a manufacturer's designed maximum seating capacity of not more than 15 passengers, excluding the driver.

By the instant application, Webb seeks to expand its authority by removing the limitation to round-trip sightseeing or pleasure tours in the charter operations authorized in Part A, by removing the same limitation in the special operations authorized in Part B and by extending that authorization to cover all points in the Metropolitan District on a non-radial basis, restricted against service to and from Washington National and Dulles airports. We take official notice from our decision in Case No. AP-82-11, filed August 5, 1982, which sought also to broaden Certificate No. 33, but was denied */ on the basis of Webb's failure to prove its fitness and on other grounds. In Order No. 2404 denying that application, we indicated Webb could file a new application after the passage of a reasonable amount of time in which Webb could bring itself into compliance with the Commission's regulations and thereby remove the cloud on its fitness. In order properly to assess Webb's progress in achieving compliance fitness, we shall require applicant to submit for in camera inspection by the Commission's staff all charter service orders for the period from September 1, 1983, through February 29, 1984.

In the instant proceeding, applicant's equipment list shows 11 buses ranging in seating capacity from 56 to 73 passengers. The application incorporates Webb's 1982 Annual Report on file with the Commission. This financial information is no longer current. Therefore, applicant will be required to file five copies of a current operating statement and balance sheet.

Webb proposes to operate under its Tariff No. 3 currently on file with the Commission, and indicates that tariff will remain unchanged. We will require applicant to submit a 12-month projection of revenues and revenue deductions that it anticipates if this application is granted.

Applicant states that the proposed operations are not likely to compete with any other carriers. Again we note from our decision in Case No. AP-82-11 that Webb's prior application was opposed. Given the

*/ Order No. 2404 granted the application only to the extent of minor amendments to restrictions, and denied it in all other respects.

similar purposes of that prior application and the present one, we will require applicant to serve copies of the present application on those persons who opposed its prior application, pursuant to Regulation No. 54-03.

Pursuant to Title II, Article XII, Section 4(b) of the Compact, this application must be scheduled for public hearing to determine if the applicant is fit, willing and able properly to perform the proposed service and to abide by pertinent regulatory requirements, and to determine if the public convenience and necessity requires the proposed service. Applicant will be assessed an amount preliminarily estimated to cover the cost of the hearing.

THEREFORE, IT IS ORDERED:

1. That public hearing on Case No. AP-84-12 of Webb Tours, Inc., is hereby scheduled to commence Tuesday, May 22, 1984, at 9:30 a.m. in the Hearing Room of the Commission, Room 314, 1625 I Street, N.W., Washington, D.C. 20006, and to continue from day to day thereafter until completed.

2. That applicant publish once in a newspaper of general circulation in the Metropolitan District, and post continuously and conspicuously in each of its vehicles through the date of public hearing, notice of this application and hearing, in the form prescribed by the staff of the Commission, no later than Friday, April 20, 1984, and present at the hearing an affidavit of publication from the selected newspaper.

3. That applicant serve one copy of its application herein upon the protestants who participated in Case No. AP-82-11 no later than Friday, April 20, 1984, and present at the hearing an affidavit of such service.

4. That any person desiring to protest the application shall file a protest in accordance with Commission Rule No. 14, or any person desiring to be heard on this matter shall so notify the Commission, in writing, no later than Monday, May 7, 1984, and shall simultaneously serve a copy of such protest or notice on counsel for applicant Jere W. Glover, Esquire, 1725 K Street, N.W., Suite 308, Washington, D.C. 20006.

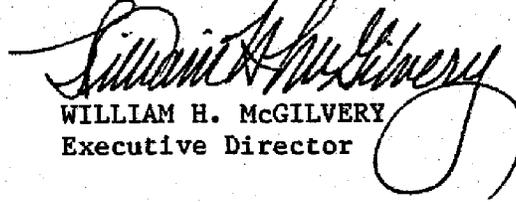
5. That applicant is hereby assessed \$1,000 pursuant to Title II, Article XII, Section 19 of the Compact, and is directed to deliver said amount to the office of the Commission, 1625 I Street, N.W., Suite 316, Washington, D.C. 20006, no later than Monday, May 14, 1984.

6. That applicant file with the Commission no later than May 14, 1984, five copies each of a statement of projected revenue and revenue deductions anticipated from its first 12-month period of

operations, a current operating statement, and a current balance sheet, simultaneously serve one copy of each statement on each party of record as of May 7, 1984, and produce the originals thereof at the public hearing.

7. That on or before May 7, 1984, applicant submit for in camera inspection by the Commission's staff all charter service orders for the period September 1, 1983, through February 29, 1984.

FOR THE COMMISSION:


WILLIAM H. MCGILVERY
Executive Director

IRREGULAR ROUTES

- A. CHARTER OPERATIONS: between points within the Metropolitan District.
- B. SPECIAL OPERATIONS: between points within the Metropolitan District.
- C. SPECIAL OPERATIONS, limited to shuttle service for patrons of sightseeing or pleasure tours, as an incidence thereto and not to include any sightseeing, from points in the Metropolitan District to join such sightseeing or pleasure tours and return.

RESTRICTIONS

1. Services A and B above are restricted to the performance of such operations in double-deck buses; provided, however, that performance of such operations may be in conventional bus vehicles when double-deck buses are inoperative, and further provided that the carrier file with the Commission within five days of each use of conventional equipment, a written statement setting forth the date and service for which the conventional equipment was used and the reasons therefor.

2. Service in C above is restricted to the performance of such operations in vehicles with a manufacturer's designed maximum seating capacity of not more than 15 passengers, excluding the driver.

3. Services in B and C above are restricted against transportation to and from National and Dulles Airports.