

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D.C.

ORDER NO. 2567

IN THE MATTER OF:

Served June 21, 1984

Application of CARTER TOURS, LTD., )  
for Temporary Authority to Conduct )  
Charter Operations for the Account )  
of Dockside Travel Agency )

Case No. AP-84-25

By application filed May 16, 1984, Carter Tours, Ltd., seeks temporary authority to transport passengers "between points in the Metropolitan District, in charter operations, for the account of Dockside Travel Agency." The proposed service would be provided in 47-passenger coaches equipped with air-conditioning and restrooms.

In support of its application, the president of Carter Tours states that applicant is an ICC-certificated carrier, that the proposed service would require two of its vehicles, that it frequently receives service requests from travel agents unable to secure equipment during times of peak demand, and that the affidavit of Dockside Travel Agency establishes immediate and urgent need for the proposed service.

Included with the application is a notarized statement from the office manager of Dockside Travel Agency. Dockside states that it is a full service travel agency specializing in "providing ground transportation," that it receives inquiries from other travel agencies as to the availability of charter buses, and that the majority of charter groups would require transfers between Washington National Airport and Dulles International Airport and their hotels, as well as local sightseeing. Dockside states it has booked a minimum of one trip per day from June 1, 1984, through August 31, 1984, and in many instances three to six daily trips.

Dockside also states that from April 25 to 27, 1984, it tried to reserve two buses per day on Fridays and Saturdays between June 1 and August 31, 1984, from the following carriers: Gold Line, Eyre's, Trailways, Greyhound, Airport Limo, VIP Coach, and Beltway. Dockside states none of these carriers would commit equipment.

Dockside further states that it has used Carter Tours for ICC service and has been satisfied, and that it has an immediate and urgent need for the proposed service.

On May 22, 1984, the Commission received a copy of a letter from counsel for Gold Line, Airport Limo, and Eyre's to counsel for applicant. The stated purpose of the letter is to confirm a telephone conversation between counsel to the effect that Carter Tours' application would be restrictively amended to seek authority only for airport transfers originating or terminating at National or Dulles. As a result of such an amendment, Gold Line, Airport Limo and Eyre's would not oppose the application. By letter dated May 25, 1984, and filed May 29 1984, Carter Tours application was so amended.

Also on May 22, 1984, staff counsel received a letter from counsel for applicant concerning an earlier telephone inquiry about the ownership of applicant. The letter confirms that the primary stockholder of Carter Tours (a Maryland corporation) is also the proprietor of Dockside Travel Agency, as well as the primary stockholder of Sherman Coaches, Inc. (a Virginia corporation), and the proprietor of Sherman's Marina. The letter further states that applicant's counsel knows of "nothing to preclude a commonly-owned affiliate from supporting an application of this nature". Counsel cites Atlantic Coast Exp., Inc., Ext. - East Coast Ports, 132 M.C.C. 184 (1984).

On May 24, 1984, The Airport Connection, Inc. ("TAC"), filed a protest to Carter Tours' application. TAC states that it holds WMATC temporary authority to conduct charter operations between Washington National Airport and Dulles International Airport, on the one hand, and, on the other, points in the Metropolitan District. See Order No. 2544, served April 10, 1984. TAC says that it operates twenty-five 11-passengers vans, six 22-passenger minibuses, and fourteen 46-passenger motor coaches, all new. TAC states that it "has equipment available for airport transfers at all times, including Fridays and Saturdays, and is ready, willing and able to meet the need for service between the airports and points in the Metropolitan District." TAC, too, points out that there appears to be little, if any, distinction between Carter Tours and Dockside Travel Agency.

Title II, Article XII, Section 4(d)(3) of the Compact provides, in pertinent part:

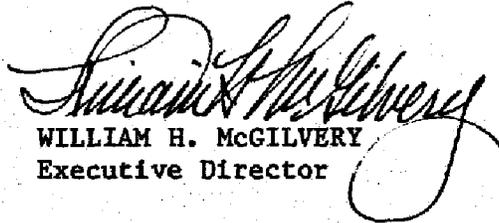
To enable the provision of service for which there is an immediate and urgent need to a point or points or within a territory having no carrier service capable of meeting such need, the Commission may, in its discretion and without hearings or other proceedings, grant temporary authority for such service.

By amendment, Carter Tours has restricted its application to airport transfers. In support of that application, Carter Tours alleges that no certificated carrier is capable of rendering the service it proposes and in support of that allegation offers Dockside's

affidavit to the effect that specific carriers declined to commit equipment for use on Fridays and Saturdays during the summer. However, applicant's allegation is contradicted by protestant TAC's assertion of availability on the dates in question. TAC specifically states that it is both capable and willing to meet Dockside's request for airport charter service. In light of the fact that Dockside does not include TAC among the list of carriers contacted, we must conclude that TAC's availability was not investigated. This being the case, we are unable to find that there is no carrier service available as required by Title II, Article XII, Section 4(d)(3) of the Compact.

THEREFORE, IT IS ORDERED that the application of Carter Tours, Ltd., for temporary authority to conduct charter operations for the account of Dockside Travel Agency is denied in its entirety.

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

  
WILLIAM H. MCGILVERY  
Executive Director

