

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D.C.

ORDER NO. 2852

IN THE MATTER OF:

Served May 2, 1986

Application of OLD TOWN TROLLEY)
TOURS OF WASHINGTON, INC., for a)
Certificate of Public Convenience)
and Necessity to Conduct Charter)
and Special Operations)

Case No. AP-85-30

By petition filed April 3, 1986, Old Town Trolley Tours of Washington, Inc. ("Town Trolley" or "petitioner"), seeks reconsideration of Order No. 2832, served March 5, 1986. It contends that the evidence of record affords ample basis for broadening of the charter and special operations authority awarded by Order No. 2832 to the extent (a) that the charter authority be expanded to include service to and from points in Arlington County, Va., or in the alternative, authorization of charter operations between all points in the Metropolitan District, and (b) that the Convention Center be added to the special operations authority. By reply filed April 9, 1986, the Commission Staff urges that the special operations authority granted by Order No. 2832 be amended to include the Convention Center, and that the petition be denied in all other respects. By its reply filed April 9, 1986, Gold Line, Inc., protestant, maintains that the petition is totally without merit and should be denied in its entirety. Based upon consideration of the record as a whole in this case, including the pleadings noted above, it is concluded that the petition should be granted in part.

We find the evidence in this case supports the addition of the Convention Center as a service point along the loop to be served by petitioner in special operations. Petitioner applied for authority to serve that point. The loop proposed by Town Trolley, and on which the testimony of its public witnesses focused, passes within three blocks of the Convention Center. Thus, the inclusion of the Convention Center as a service point would require only a slight variance of the loop proposed by Town Trolley. Manifestly, addition of the Convention Center as a service point on the loop would be unlikely to have other than a very minimal effect upon the schedules of Town Trolley's loop tours, an important factor here inasmuch as the relatively brief duration of the loop tours and frequency of pick-ups at regular intervals were considerations in determining whether the proposed special operations service was responsive to a public need. More

significantly, the testimony of petitioner's witnesses regarding the anticipated use of Town Trolley's service by conventioners supports such an addition. Hotel representatives supporting the application testified that a significant portion, and in some cases a majority, of their business is convention-related. Brokers and a representative of Woodward and Lothrop both testified that a singular advantage of Town Trolley's proposed regularly-scheduled service was its accessibility to convention-goers and its coverage of areas of particular interest to them such as shopping malls. According to these witnesses persons attending conventions would use Town Trolley's service in two ways: 1) transportation from the named hotels to the Convention Center and 2) for sightseeing and/or shopping during mid-day breaks in convention activity as well as before or after attending events at the Convention Center. For these reasons, petitioner's grant of special operations authority shall be amended to include the Convention Center.

We find the remaining issues raised by petitioner on reconsideration to be without merit. The evidentiary support on which petitioner relies in asserting that the record proves that additional charter service is required between all points in the Metropolitan District is as follows:

" . . . it might be that on occasion the [Georgetown] business association might have a special event going on in Georgetown at which time we might then hire the trolley to provide transportation up and down Wisconsin Avenue or bring people in from Rosslyn" (TR p. 271) (emphasis added)

We found that statement insufficient to justify a grant originally and still do. Likewise, we find equally unpersuasive the fact that one witness testified that on occasion clients hire transportation for various functions such as shopping excursions and weddings, etc. Town Trolley asserts that these occasions require service from and to anyplace in the Metropolitan District. The fact is that the record fails to establish that this is the case when arrangements are made by the witness so testifying. We note that Town Trolley had ample opportunity to develop a complete record on this issue, but that it has failed to establish a prima facie case for charter operations authority broader than that awarded by Order No. 2832. Accordingly, it is concluded that the petition, except to the extent that the special operations authority be amended to include the Convention Center, should be denied.

THEREFORE IT IS ORDERED:

1. That the special operations authority granted Old Town Trolley Tours of Washington, Inc., is hereby amended to include the Convention Center.

2. That in all other respects the petition for reconsideration of Old Town Trolley Tours of Washington, Inc., is hereby denied.

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


WILLIAM H. MCGILVERY
Executive Director

