

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D.C.

ORDER NO. 3054

IN THE MATTER OF:

Served August 5, 1987

Application of BABEL TRAVEL )  
SERVICE, INC., for a Certificate of )  
Public Convenience and Necessity to )  
Conduct Charter and Special )  
Operations between Points in the )  
Metropolitan District )

Case No. AP-87-07

By application filed March 30, 1987, Babel Travel Service, Inc. ("Babel" or "applicant"), seeks a certificate of public convenience and necessity to transport passengers, together with baggage in the same vehicle as passengers, in charter and special operations between points in the Metropolitan District. 1/

A public hearing was held on May 28, 1987, pursuant to Order Nos. 2996 and 3020, served April 8, and May 12, 1987, respectively. One company witness and 11 public witnesses testified on behalf of the applicant. The Airport Connection, Inc., and Webb Tours, Inc., timely protested the application. The protests were withdrawn at hearing, however, after the Administrative Law Judge accepted an amendment restricting the special operations part of the application against transportation to or from the airports with the exception of prearranged 2/ groups of 15 or more passengers. 3/

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1/ To the extent that this application could be interpreted to include transportation solely within the Commonwealth of Virginia, it was dismissed by Order No. 2996, served April 8, 1987, pursuant to Title II, Article XII, Section 1(b) of the Compact.

2/ Prearranged is defined as individual fares which have been gathered together by the carrier.

3/ Because Babel already holds WMATC authority to transport passengers in special operations between points in the Metropolitan District in vehicles with a maximum manufacturer's designed seating capacity of 15 passengers or less (including the driver), this restrictive amendment would apply to airport service in larger vehicles only.

### Summary of the Evidence

Babel Travel Service, Inc., is a family-owned and operated business. Babel currently holds WMATC Certificate No. 103 which authorizes the following transportation:

#### SPECIAL AND CHARTER OPERATIONS

Passengers, together with baggage in the same vehicle with passengers, between points in the Metropolitan District.

Restricted (1) to the performance of such operations in vehicles with a manufacturer's designed seating capacity for 15 passengers or less (including the driver); and (2) against transportation between points located solely in the Commonwealth of Virginia and (3) against transportation described in Commission Regulation No. 70.

Mr. Anthony Cueto, Babel's general manager, presented evidence in its behalf at the hearing. Babel has held WMATC operating authority since November 1983 and specializes in service to tourists arriving in the Washington area from abroad. It performs general charter service plus special operations in the form of three daily scheduled tours, each four hours in duration. Babel provides foreign language escorts to assist clients at the airport and through registration at hotels. It also provides foreign language tour guides. Service is available seven days a week.

Applicant is seeking expanded authority so that it can offer complete ground transportation. Babel currently operates limousines and vans and believes that it will be able to serve all its clients' needs if its application is granted to operate full-sized vehicles.

Babel receives numerous requests for coach service from its clients. Applicant accommodates these requests by securing coaches from existing carriers. Mr. Cueto believes that there is inadequate service to meet current demand. The witness has had difficulty finding available coaches, especially on the weekends. He has also found tardiness of drivers to be a major problem with existing services.

If this application is granted, Babel plans to operate a deluxe 48-passenger coach 4/ equipped with lavatory, refrigerator,

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4/ Applicant plans to make additional modifications to the coach by adding a bar and cabinets. This will require the removal of two seats, making the seating capacity of the vehicle 46.

sink, folding tables, televisions, video and stereo system, microwave oven, and telephone. Applicant plans to use the luxury coach in its daily tours as well as its charter operations. If additional vehicles are required, applicant is financially able to acquire up to three coaches.

Babel follows a preventive maintenance program which provides for the daily inspection of vehicles, including oil and other fluids, and a survey of any body damage. Babel also employs its own mechanic. The vehicles also are checked and serviced monthly at a commercial garage. If defects are discovered prior to the monthly check, the defective unit is repaired immediately.

Babel requires drivers to pass a Department of Transportation approved written test, have previous driving experience, and be properly licensed. Once hired, drivers undergo a one-week training period. New drivers accompany veteran employees on tours to observe for four days. On the fifth day they begin driving under the supervision of the senior drivers. Babel employs 25 full and part time drivers. The drivers are bilingual or multilingual, and most have college degrees. Mr. Cueto believes that strict criteria produce quality drivers.

Babel proposes transfer fares for Washington National Airport of \$10 per person for groups of 15-30, and \$8 per person for groups of 31-47. Fares to and from Washington Dulles International Airport would be \$13 and \$12. Babel's proposed sightseeing tours include a City and Arlington National Cemetery Tour, Alexandria and Mount Vernon Tour, and a Night Tour. The proposed fare is \$20 per person for each tour with discounted fares available through travel agents. Proposed charter rates are \$38 an hour with a four-hour minimum, plus one-hour travel time.

Applicant submitted a balance sheet dated December 31, 1986, which shows current assets of \$117,811 and fixed assets, after depreciation, of \$22,162. Current liabilities of \$23,626 and equity of \$116,347 are listed. Babel's income statement for the year ended December 31, 1986, shows WMATC revenues of \$432,903 and expenses during the same period of \$366,833 resulting in an operating ratio of 85 percent. A projected operating statement for the 12 months ending May 31, 1988, includes total WMATC operating income of \$128,000 and total operating expenses of \$93,904, yielding net income of \$34,096.

Mr. Everett J. White, owner of White & DW Limousine, Inc., testified in the support of the application. Mr. White receives requests from his corporate clients for charter service in coaches. He has experienced difficulty securing vehicles of that size. He has used applicant's van services and has been pleased. He estimates he will need service in a full sized coach five to six times a year.

Ms. July Greenspoon, co-owner of Guide Service of Washington, Inc., and Ms. Jutta Bray, owner of Capitol Tourists International, Inc., provide "step-on" tour guide services. The witnesses are often asked to make transportation arrangements. To accommodate their clients' requests, the witnesses have employed applicant's van and limousine services and have been very pleased. For service in coaches, these witnesses have had to go elsewhere. Ms. Greenspoon testified that coach carriers are often unavailable for jobs and, when available, have often proved unreliable. She believes that there is a definite need for a luxury vehicle that can accommodate a large group and estimates that her company will use applicant's services five times a month. Ms. Bray needs a coach for hotel pick-up and sightseeing to points in Maryland, Virginia, and the District of Columbia. Ms. Bray estimates that if this application is granted, she will use Babel's charter service three to four times a month and its special operations services several times a month.

Mr. Bill Cooper, senior concierge at the Sheraton Carlton, testified in support of the application. Mr. Cooper is responsible, inter alia, for assisting guests with their many transportation needs. He offers assistance securing transportation to and from the airport and train station, to meetings or dinner, and for tours. He has used applicant's van and limousine services as well as bus service brokered by Babel. Mr. Cooper has used other coach services but has been displeased by complaints from guests about the condition of buses and the quality of service offered by the drivers or tour directors. Mr. Cooper frequently receives requests for multilingual transportation services but believes that existing services would not be a suitable choice for the calibre of his clientele. He expects to need a luxury coach 10 times a year.

Mr. Raymond Stephen Thomas testified in support of the application on behalf of City Tours, a tour wholesaler. City Tours is a New Jersey based operation which meets foreign visitors upon arrival in the United States and makes land arrangements, including sightseeing tours in coaches, throughout the United States. Most of the company's clients speak Spanish or Portuguese. For the last 15 years, Babel has chartered buses and made land arrangements in the Washington area for the company. Mr. Thomas needs transportation to area airports and bus and train stations. His clients also need transportation to restaurants and embassies in addition to sightseeing tours. The witness estimated that during peak season he needs coach service two to three times daily. His needs are evenly divided between charter and special operations, with the bulk of the special operations work being required during winter months.

Mr. Mark Henry Matthews, president of Top Centre, Inc., an entertainment broker, testified on behalf of the applicant. Top Centre sells tickets to concerts, plays, and sports events in the Washington area and arranges transportation to and from these events. The

transportation involves hotels, theaters, and RFK Stadium in the District of Columbia; the Capital Centre, Prince George's County, Md.; the Patriot Center and Wolf Trap, Fairfax County, Va.; and the Washington Metropolitan Airports. The daily lectured tours offered by applicant would interest his clients, especially during the summer months when the National Theatre and the Kennedy Center "wind down". Top Centre uses Babel exclusively and finds its service clean, dependable, and courteous. In the coming year Top Centre has booked entertainment for a number of large groups. The witness estimates that Top Centre will use applicant's charter coach service four to five times a month and its per capita services eight to ten times per month.

Ms. Patricia Marquez, owner and president of the Emerald Travel Agency, testified in support of the application. Ms. Marquez often arranges ground transportation for clients. Her clients generally request transportation to Mount Vernon, Arlington National Cemetery and the Metropolitan Airports, as well as tours of Washington, D.C. The witness refers clients seeking ground transportation to Babel. She has found applicant's services to be very professional. The witness estimates that she will make referrals several times a month for coach service.

Ms. Barbara Lomax, program officer with the African American Labor Center, an institute of the International Affairs Department of the AFL/CIO, testified in support of the charter portion of the application. Ms. Lomax is responsible for coordinating the international visitors program. She makes all arrangements (including transportation) for program seminars which last from four to six weeks and are held three to four times a year. Attendance at the seminars ranges from 25 to 35. She needs charter service for airport transfers, transportation to the Labor Studies Center, Silver Spring, Md., various meeting places in the District of Columbia, and training facilities in Landover, Md., and Arlington and Fairfax Counties, Va. The witness has used applicant's services and expects to use the proposed service during the course of the seminars. She is often faced with the problem of having seminar participants separated into smaller vehicles for one trip. The witness prefers not to separate seminar participants and believes that she will be able to keep her groups together if applicant is authorized to operate buses.

Ms. Lana Bian is a program assistant for the Asia Foundation ("Foundation"), a private organization that funds institutions located in Asia. Ms. Bian is responsible for all arrangements, including transportation for the Foundation's grantees who visit Washington. She requires charter service for these purposes between the District of Columbia and nearby Virginia points, as well as between points within the District of Columbia. The witness estimates that she would use a

bus two to four times a year. Program visitors stay one to two weeks and require transportation services several times during their visit.

Ms. Kathleen Driscoll Dunn testified as a representative of the School Exchange Program ("SEP") in support of the charter portion of the application. SEP coordinates an exchange program for U.S. and foreign students. Program participants visit the Washington area for four-day periods and are housed in Washington, D.C., and Northern Virginia hotels. The students need transportation to museums, Capitol Hill, the airports, participating schools, and points of interest within the Metropolitan District. The witness has used Babel's services and projects the need for coach service three to five times a year for several days each time. The witness finds the multilingual services of applicant particularly attractive.

The final witness to testify in support of the application was Ms. Deborah Thornton, program administrator for the International Law Institute ("ILI"). Ms. Thornton is responsible for arranging ground transportation for persons attending ILI's training seminars. ILI requires transportation within the District of Columbia plus occasional excursions to Arlington National Cemetery and Alexandria, Va. A four-hour sightseeing tour is a part of each seminar. She has used Babel's services and finds its multilingual option a benefit to the foreign visitors who attend the training sessions. The witness estimates that she will need charter transportation during seminars approximately four times a year, with trips made during each week of the seminar's average three to four weeks. The witness would also be willing to refer individual seminar participants to Babel's scheduled per capita sightseeing tours.

#### Discussion and Conclusions

In determining whether to grant or expand a certificate of public convenience and necessity, we look to Title II, Article XII, Section 4(b) of the Compact which requires that an applicant prove that it is fit, willing and able to perform properly the proposed transportation and to conform to the provisions of the Compact and the Commission's rules, regulations, and requirements thereunder. Section 4(b) further requires that the applicant prove the proposed service is required by the public convenience and necessity.

Based on a review of the record we find applicant capable of providing the proposed service and willing to conform to the Compact and Commission rules and regulations. Babel has held a WMATC certificate since 1983. In its current WMATC operations, Babel operates six 14-passenger vans. Limousine service is also performed. Babel is a well-run family business that offers its clients a wide array of services. It has received numerous requests for service in a full-sized coach and has accommodated these requests by using the services of existing coach carriers. Babel filed this application

because its overall goal is to provide total ground transportation services. Financial data introduced into the record by the applicant shows adequate financing to sustain the proposed operations.

We turn now to the matter of whether applicant has satisfied its burden of proving that the public convenience and necessity require the proposed service. The Commission has relied on the test enunciated in Pan-American Bus Lines Operations (1 MCC 190, 203 [1936]) when interpreting this provision of the Compact. The Pan-American test consists of three parts as follows:

. . . whether the new operation or service will serve a useful public purpose, responsive to a public demand or need; whether this purpose can and will be served as well by existing lines or carriers; and whether it can be served by applicant with the new operations or service proposed without endangering or impairing the operations of existing carriers contrary to the public interest.

Applicant produced 11 public witnesses. Based on their testimony we find that Babel Travel Service, Inc., has met its burden of proving that the proposed service will serve a useful public purpose for which there is a demonstrated need.

All of the witnesses arrange transportation or are in the position of making transportation referrals. They have received numerous requests for service in full-sized coaches and have tried to accommodate the requests using existing carriers. The witnesses, however, found that existing coach services were unavailable, unreliable or unsuitable for use by their clients. The senior concierge at the Sheraton Carlton Hilton is dissatisfied with existing service and feels that a luxury coach would be a more suitable choice for the hotel's guests. He expects to use the services of a luxury coach 10 times a year. The co-owner of a step-on tour guide service has also had difficulty in securing adequate coach transportation and believes that there is a definite need for luxury vehicles in the coach market. She estimates a need for service five times a month.

Several witnesses are responsible for arranging transportation for foreign visitors who come to the United States on exchange programs or as participants in training seminars. These witnesses believe that applicant's provision of a full-sized coach and multilingual service would be of particular benefit to their clients. The training seminars and special programs generally last from one to two months and are held several times throughout the year. Transportation needs include airport transfers, transportation to and from training facilities, embassies, Capitol Hill and other points throughout the Metropolitan District. Transportation services are required frequently during the course of each seminar. The witnesses prefer to transport program

participants in one vehicle rather than dividing groups in several vans.

A tour wholesaler who primarily arranges tours for Spanish and Portuguese speaking visitors requires coach service two to three times a day during peak season. His transportation needs are evenly divided between charter and special operations. An entertainment broker arranges for special events and requires coach service between numerous area hotels and points throughout the Metropolitan District. He employs Babel's present services exclusively and plans to use the proposed charter services four to five times a month and individually-ticketed services eight to ten times a month. The witness believes that the daily scheduled tours offered by applicant would be of interest to his clients when theaters and sporting arenas switch to their summer schedules.

All of the witnesses have testified to their need for additional coach service for charter and/or per capita trips between points in the Metropolitan District. In particular, they desire to use the luxury coach which applicant proposes to operate, as well as the multilingual service afforded by it. They have used applicant's services and believe that it offers a professional, clean, dependable, and courteous service. They also expressed displeasure over deficiencies in the quality of service rendered by existing carriers.

Accordingly, the evidence supports the conclusion that the public purpose found to exist has not been and will not be served as well by existing authorized carriers. Inasmuch as the protests to the application were withdrawn we conclude that applicant's proposed service will not materially affect the operations of existing carriers.

THEREFORE, IT IS ORDERED:

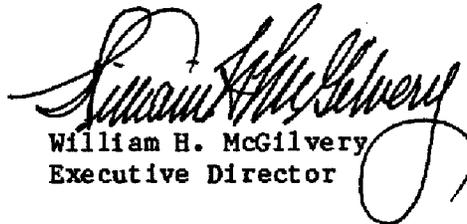
1. That Babel Travel Service, Inc., is conditionally granted, contingent upon timely compliance with the requirements of this order, authority to transport passengers, together with baggage in the same vehicle as passengers, in charter and special operations between points in the Metropolitan District restricted to vehicles with a manufacturer's designed seating capacity of 16 passengers or more (including the driver), and further restricted, in special operations, against transportation between Washington National Airport and Washington Dulles International Airport, on the one hand, and on the other, points in the Metropolitan District without prior arrangement with 15 or more passengers.

2. That Babel Travel Service, Inc., is hereby directed to file the following for all vehicles with a seating capacity of 16 passengers or more: (1) two copies of its WMATC Tariff No. 1 as proposed in its application; (2) an equipment list specifying make, model, serial

number, vehicle identification number, and license plate number for each vehicle to be used in WMATC operations; (3) a certificate of insurance pursuant to Commission Regulation No. 62 and (4) an affidavit of identification pursuant to Commission Regulation No. 67.

3. That unless Babel Travel Service, Inc., complies with the filing requirements of this order within 30 days from the date of service hereof, or within such additional time as the Commission may provide, the grant of authority herein shall be void and the application shall stand denied in its entirety effective upon the expiration of said compliance time.

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

  
William H. McGilvery  
Executive Director