

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D.C.

ORDER NO. 3120

IN THE MATTER OF:

Served January 29, 1988

Application of KEITH JONES to )  
Transfer Certificate No. 43 to )  
CUSTOM TOURS OF WASHINGTON, INC. )  
)

Case No. AP-88-01

Application of HENRY LICHTENSTEIN )  
to Transfer Certificate No. 87 to )  
CUSTOM TOURS OF WASHINGTON, INC. )  
)

Case No. AP-88-02

By application filed January 19, 1988, Keith Jones, a sole proprietor trading as Custom Tours of Washington, D.C. ("transferor"), seeks approval to transfer his Certificate of Public Convenience and Necessity No. 43 to Custom Tours of Washington, Inc. ("transferee").

Certificate No. 43 authorizes the following transportation:

IRREGULAR ROUTES:

SPECIAL OPERATIONS, transporting passengers in sightseeing tours:

(1) From motels and motor inns located at points on that part of U.S. Highway 1 south of junction U.S. Highway 1 and Interstate Highway 395 at or near Arlington, Va., and north of junction U.S. Highway 1 and Interstate Highway 95 at or near Woodbridge, Va., to points in the District of Columbia, and the City of Alexandria and Counties of Arlington and Fairfax, Va., and return.

(2) From Holiday Inn, junction Interstate Highway 395 and Glebe Road, Arlington County, Va.; and Virginia Motel, 700 North Washington Street, Alexandria, Va.; to points in the District of Columbia and the City of Alexandria and Counties of Arlington and Fairfax, Va.; and return.

RESTRICTED IN (1) AND (2) ABOVE:

- (a) to transportation in vehicles with a manufacturer's designed seating capacity of 15 passengers or less, including the driver; and
- (b) against transportation solely within the Commonwealth of Virginia.



By separate application also filed January 19, 1988, Henry Lichtenstein, a sole proprietor ("transferor"), seeks approval to transfer his Certificate of Public Convenience and Necessity No. 87 to Custom Tours of Washington, Inc. ("transferee").

Certificate No. 87 authorizes the following transportation:

IRREGULAR ROUTES:

SPECIAL OPERATIONS, transporting passengers, restricted to lectured, round-trip sightseeing tours, between Mount Vernon and 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 15 passengers or less (including the driver).

The application of Mr. Lichtenstein includes a bilateral contract executed January 19, 1988, whereby transferor agrees to sell Certificate No. 87 to transferee for \$1,000. The agreement is contingent upon approval of the transfer by the Commission.

Transferee is a newly formed District of Columbia corporation. Mr. Keith Jones is president of the corporation and his brother, Mr. Wendell Jones, is vice president. The corporation's balance sheet reflects \$2,000 in assets and equity with no liabilities listed. The corporation leases a 15-passenger vehicle from Mr. Keith Jones.

These matters are governed by Title II, Article XII, Section 4(h) of the Compact which provides

No certificate . . . may be transferred unless such transfer is approved by the Commission as being consistent with the public interest.

By motion (letter) also filed January 19, 1988, transferee requests "approval from the WMATC to consolidate Certificate Nos. 43 and 87 to one Certificate No. 43." A ruling on this motion will be

held in abeyance pending the outcome of the two transfer cases. In addition, transferors Lichtenstein and Jones, by separate motions filed January 19, 1988, waive their rights to public hearing on these matters and request that the Commission decide Case Nos. AP-88-01 and AP-88-02 on the pleadings. Notice of these applications must be provided, and a date will be established for the filing of protests as well as a date for public hearing. In the absence of protests, the public hearing will be cancelled and the motion referred to the Commission for decision.

THEREFORE, IT IS ORDERED:

1. That the above-captioned applications are hereby consolidated and scheduled for public hearing to commence Tuesday, March 1, 1988, at 9:30 a.m. in the hearing room of the Commission, Room 314, 1625 I Street, N.W., Washington, D.C. 20006.

2. That Custom Tours of Washington, Inc., is hereby made a co-applicant and a party to both proceedings.

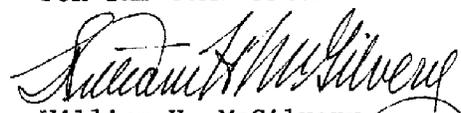
3. That Keith Jones and Henry Lichtenstein are hereby directed to publish once in a newspaper of general circulation in the Metropolitan District, and post in their vehicles notice of the applications and hearing in the form prescribed by the Commission's staff no later than Wednesday, February 3, 1988, and to file with the Commission affidavits of such publication and posting.

4. That any person desiring to protest either application shall file a protest in accordance with Commission Rule No. 14, or any person desiring to be heard on either matter shall so notify the Commission in writing no later than Friday, February 19, 1988, and shall simultaneously serve a copy of such protest or notice on Henry Lichtenstein, 3701 Kingswood Drive, Suitland, Md. 20747, and Keith Jones, 11200 Lenox Drive, Upper Marlboro, Md. 20772.

5. That Keith Jones and Henry Lichtenstein, jointly and severally, are hereby assessed \$300 pursuant to Title II, Article XII, Section 19 of the Compact, and are directed to deliver that sum to the office of the Commission, Suite 316, 1625 I Street, N.W., Washington, D.C. 20006 no later than Friday, February 19, 1988.

6. That Custom Tours of Washington, Inc., is hereby directed to file no later than Friday, February 19, 1988, an original and four copies of a proposed tariff and an equipment list indicating make, model, serial number, vehicle number, and license plate number for each vehicle to be operated in the Metropolitan District.

FOR THE COMMISSION:

  
William H. McGilvery  
Executive Director