

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 3455

IN THE MATTER OF:

Served January 19, 1990

Application of MICHELINE)
INTERNATIONAL TOURS INC., for a)
Certificate of Public Convenience)
and Necessity -- Charter and)
Special Operations)

Case No. AP-89-48

By application filed September 7, 1989, Micheline International Tours Inc. (MIT or applicant), a Virginia corporation, seeks a certificate of public convenience and necessity to transport passengers in charter and special operations, together with mail, express, and baggage in the same vehicle as passengers, between points in the Metropolitan District, 1/ restricted to transportation in vehicles with a manufacturer's designed seating capacity of 15 persons or less (including the driver).

A public hearing was held on October 24, 1989, pursuant to Order No. 3406, served September 15, 1989, and incorporated herein by reference. Applicant presented one witness to testify regarding daily operations and five public witnesses. Bill Appell trading as Personal Pace Tours/Tech Tours Washington protested the application and appeared at hearing. Mr. Appell presented no evidence in opposition to the application.

SUMMARY OF EVIDENCE

Ms. Micheline Lavalley, MIT's president, testified at hearing. Ms. Lavalley is multilingual with proficiency in English, French, and Spanish. She formerly worked as a driver/lecturer for a WMATC carrier. The witness is currently employed as assistant to the medical attache of the French Embassy where her duties include arranging tours and transportation for embassy visitors. If this application is granted, Ms. Lavalley would serve as the primary driver/lecturer for MIT during the mornings. In the afternoons, she would be responsible for MIT's administration and the solicitation of new business. Applicant plans to hire a part-time employee to manage MIT's office when Ms. Lavalley is conducting tours.

1/ To the extent this application could be construed to include transportation solely within the Commonwealth of Virginia, it was dismissed pursuant to the Compact, Title II, Article XII, Section 1(b), by Order No. 3406.

Applicant proposes three tours. Tour No. 1 ("City Tour") would include a riding tour of Pennsylvania Avenue, Federal Triangle, Supreme Court, Library of Congress, and Arlington National Cemetery. Stops would be made at the United States Capitol, Lincoln Memorial, and Vietnam Veterans' Memorial. The proposed fare is \$25 for adults and \$15 for children under 10. Tour No. 2 ("Night Tour") would include an observation tour of Embassy Row, Iwo Jima Memorial, Jefferson Memorial, United States Capitol, and White House; stops would be made in Georgetown and at the Lincoln Memorial. The proposed fare is \$22 for adults and \$15 for children under 10. Applicant's third tour ("Mt. Vernon Tour") includes stops in Old Town Alexandria and Mount Vernon, VA. 2/ The proposed fare which includes admission to Mount Vernon is \$30 for adults and \$15 for children under 10. All three tours last four hours. Charter service is proposed at a \$45 hourly fee with a three-hour minimum. This rate includes provision of a driver/guide speaking English, Spanish, or French as required. 3/ Transfers between Washington National Airport, Arlington County, VA, on the one hand, and, on the other, points in the Metropolitan District would be \$80. Transfers between Washington Dulles International Airport, Loudoun County, VA, on the one hand, and, on the other, points in the Metropolitan District would be \$120. Transfers between the Greyhound (Trailways) terminal, 1005 1st Street, N.E., and Union Station, 50 Massachusetts Avenue, N.E., both points in the District of Columbia, on the one hand, and, on the other, points in the Metropolitan District would be \$70. Transfers between any other points in the Metropolitan District would be \$65. MIT plans to conduct the proposed operations using two 15-passenger vehicles which would be leased. One vehicle would be used for charter operations and the other for special operations. An additional vehicle would be rented when needed for back-up purposes. Vehicles would undergo a daily maintenance routine and full maintenance every 10,000 miles. Applicant plans to hire either four or five part-time multilingual driver/lecturers. Drivers would be required to have clean driving records and a working knowledge of the Metropolitan District.

MIT's balance sheet dated August 31, 1989, lists current assets of \$6,000, fixed assets of \$4,550, current liabilities of \$1,300, and long-term liabilities of \$3,250. Equity is listed at \$6,000. Applicant's president testified that she would be willing to lend the corporation up to \$10,000 if needed. For the first year of WMATC operations, applicant projects \$108,000 in operating income and \$81,021 in operating expenses.

2/ See Footnote No. 1.

3/ At hearing Ms. Lavallo testified that service would be provided in English, Spanish, or French. Exhibit No. 1, a brochure describing applicant's proposed service, indicated that service would be available in Italian and Portuguese as well.

Applicant's president is familiar with the Compact and Commission rules and regulations, as well as the U.S. Department of Transportation's safety regulations, and is willing to comply with them.

Mr. Michael Mayes, head concierge at the Sheraton-Carlton Hotel (the Sheraton), Washington, DC, testified in support of the proposed special operations. The witness testified that the hotel caters to an "upscale" clientele. Many of its guests speak Spanish. According to Mr. Mayes, the Sheraton receives approximately 100 requests monthly for transportation of various types. Twenty-five percent of the transportation requests received pertain to per capita service. The Sheraton has a primary carrier that fills its charter transportation requirements. It needs an authorized carrier to provide per capita sightseeing service. If this application is granted, Mr. Mayes would refer hotel guests to MIT and display applicant's brochures at the Sheraton. He believes the proposed sightseeing service would benefit the Sheraton.

Ms. Andrea Battistone testified in support of the proposed application on behalf of Incoming America Travel Service, Inc. (IATS). The travel agency has been operating for a year and is located in New York, NY. It makes transportation arrangements for visitors from Argentina, Uruguay, Brazil, Columbia, Mexico, Spain, and Canada. As the list of countries suggests, Spanish is the predominant language spoken by IATS's clients. New York and Miami represent points of entry for IATS's clients; trips to Washington, DC, are made from both points. The witness requires general charter transportation, charter transportation for sightseeing tours, and airport and hotel transfers within the Metropolitan District. Ms. Battistone sends charter groups to Washington that number up to 12. In addition Ms. Battistone currently sends 10 to 20 individuals a week to Washington for tours. She expects that number to increase as IATS becomes established. IATS formerly used the service of a WMATC carrier that offered per capita packaged tours for persons visiting Washington for a full day, but that service is no longer available. The witness has since encountered difficulty in securing a carrier that could meet its transportation needs and believes that the proposed operations would benefit IATS.

Mr. Revi Reghavan is the front office manager of the Quality Inn in Washington, DC, and was authorized to speak about its transportation needs. The Quality Inn has 135 rooms, and about 40 percent of its clientele are international visitors. Mr. Reghavan is required to arrange transportation for hotel guests for sightseeing and for transfers from the hotel to points in Washington, DC, and Northern Virginia. The Quality Inn receives requests for charter service about 45 times a month for groups ranging in size from six to 12. Requests for individual sightseeing are received 10 to 15 times daily. The witness testified that personalized foreign language tours would be beneficial to the Quality Inn. If this application is granted the Quality Inn would use MIT's service.

Ms. Antonia Feldman supported the application. Ms. Feldman is employed as a translator by the French Embassy in Washington, DC. The embassy authorized her support of this application. Her duties include coordinating transportation arrangements for embassy visitors. Most of the visitors are French-speaking nationals who would find a service such as applicant's beneficial. The French Embassy requires transfers to meeting places including the National Institutes of Health and the National Bureau of Standards, both located in Montgomery County, MD. It also requires transportation to cultural sites and hotels located throughout the Metropolitan District. The witness receives requests for charter transportation 20 times a week; four to five requests a month for per capita sightseeing are received. If this application is granted, Ms. Feldman would recommend MIT to the embassy.

The final witness to testify in support the charter portion of the application was Mr. Luis Hasse. Mr. Hasse is the president of Columbia Tours and Travel, Inc., of New York City. The company specializes in making transportation arrangements for foreign visitors. It has just opened a new division that provides tour packages for South American and Spanish tourists who are interested in visiting the United States. Many of the tour packages offered include a trip to Washington, DC. The company sends approximately 15 to 20 persons a month to Washington, and that number is expected to increase to 30 persons monthly by the start of 1990. Columbia Tours requires transportation for transfers and sightseeing, and the witness believes that the availability of tours in Spanish would be beneficial.

DISCUSSION AND CONCLUSIONS

This application is governed by Title II, Article XII, Section 4(b) of the Compact which requires that an applicant prove it is fit, willing, and able to perform properly the transportation for which it seeks a certificate of public convenience and necessity 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 entire record in this case, the Commission finds MIT capable of providing the proposed service. MIT's president is an experienced multilingual driver/lecturer. MIT plans to operate two leased vehicles and would rent an additional vehicle in the event of a breakdown. The vehicles would be subject to a regular maintenance program. A review of applicant's financial data, in addition to its president's willingness to make a loan to the corporation if needed, indicates adequate financing to implement the proposed operations. Applicant's president is familiar with the Compact and the Commission's rules and regulations, and the Commission finds that MIT is willing and able to comply with them.

The Commission further finds that applicant has satisfied its burden of proving that the public convenience and necessity require the proposed service based on the criteria enunciated in Pan-American Bus

Lines Operation (1 MCC 190, 203 [1936]) et seq. The testimony of applicant's public witnesses taken as a whole demonstrates a need for transportation of the type proposed. The witnesses believe that applicant's proposed service would be of major benefit to their French and Spanish-speaking clients. Evidence was put forth supporting the proposed charter and per capita sightseeing operations. However, no evidence of public need was provided to support a need for general per capita movements. Further, there is no evidence showing that applicant intends to offer per capita service other than sightseeing because no rates are provided in the tariff for general per capita operations, and there is no discussion on the record concerning plans to implement such service. Nor is there evidence showing any need for the proposed transportation of mail and express. Mr. Appell presented no evidence supporting a claim that his operations would be so negatively affected by a newly-certificated carrier as to be contrary to the public interest. The application will, therefore, be granted with the exceptions discussed above.

THEREFORE, IT IS ORDERED:

1. That Micheline International Tours Inc., is hereby conditionally granted, contingent upon timely compliance with the terms 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 in special operations to round-trip lectured sightseeing tours and further restricted to transportation in vehicles with a manufacturer's designed seating capacity of 15 persons or less (including the driver).

2. That in all other respects the application of Micheline International Tours Inc., is hereby denied.

3. That Micheline International Tours Inc., is hereby directed to file with the Commission within 30 days of the service date of this order: (a) an affidavit of identification of vehicles in accordance with Commission Regulation No. 67 for which purpose WMATC No. 165 is hereby assigned; (b) an equipment list indicating make, year, model, serial number, vehicle number (if any), seating capacity, and license plate number (with jurisdiction) for each vehicle to be used in revenue operations; (c) three copies of its WMATC Tariff No. 1; (d) a certificate of insurance in accordance with Commission Regulation No. 62; and (e) evidence of ownership or lease(s) in accordance with Commission Regulation No. 69, as appropriate, for each vehicle to be used in revenue service.

4. That unless Micheline International Tours Inc., complies with the requirements of the preceding paragraph within 30 days of the service date of this order or such additional time as the Commission may direct or allow, the grant of authority contained herein shall be void, and the application shall stand denied in its entirety effective upon the expiration of the said compliance time.

5. That upon compliance with the conditions set forth in the preceding paragraphs, a certificate of public convenience and necessity will be issued to Micheline International Tours Inc., in the form and as worded in the Appendix to this order.

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


William H. McGilvery
Executive Director

NO. 165

MICHELINE INTERNATIONAL TOURS INC.

By Order No. 165 of the Washington Metropolitan Area Transit Commission issued January 19, 1989;

AFTER DUE INVESTIGATION, it appearing that the above-named carrier is entitled to receive authority from this Commission to engage in the transportation of passengers within the Washington Metropolitan Area Transit District as a carrier, for the reasons and subject to the limitations set forth in Order No. 3455;

THEREFORE, IT IS ORDERED that the said carrier is hereby granted this certificate of public convenience and necessity as evidence of the authority of the holder thereof to engage in transportation as a carrier by motor vehicle; subject, however, to such terms, conditions, and limitations as are now, or may hereafter be, attached to the exercise of the privilege granted to the said carrier.

IT IS FURTHER ORDERED that the transportation service to be performed by the said carrier shall be as specified below:

IRREGUAR ROUTES:

CHARTER OPERATIONS transporting passengers, together with baggage in the same vehicle as passengers, between points in the Metropolitan District.

SPECIAL OPERATIONS transporting passengers, together with baggage in the same vehicle as passengers, in round-trip, lectured sightseeing tours between points in the Metropolitan District.

RESTRICTED in charter and special operations (1) to the transportation of passengers in vehicles having a manufacturer's designed seating capacity of 15 persons or less (including the driver) and (2) against transportation solely within the Commonwealth of Virginia.

AND IT IS FURTHER ORDERED and made a condition of this certificate that the holder thereof shall render reasonable, continuous, and adequate service to the public in pursuance of the authority granted herein, and that failure so to do shall constitute sufficient grounds for suspension, change, or revocation of the certificate.