

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 3634

IN THE MATTER OF:

Served March 19, 1991

Partial Suspension of Certificate)
No. 85 of V.I.P. TOURS, a)
Partnership)

Case No. MP-91-11

Certificate of Public Convenience and Necessity No. 85 is held by V.I.P. Tours, a partnership consisting of James L. Davenport, James L. Hughes, and Luther Ray Huff. Among other things, Certificate No. 85 authorizes certain lectured, round-trip sightseeing tours, restricted to transportation in vehicles with a manufacturer's designed seating capacity of 30 passengers or less (including the driver).

Until recently V.I.P. Tours had on file with the Commission five certificates of insurance. Two of these together certified the \$5 million insurance coverage required for a 29-passenger minibus. The three remaining certificates of insurance certified \$750,000 insurance coverage on three vans, one of which was operated by each of the partners. None of these vans seats more than 15 persons (including the driver).

On February 15, 1991, the Commission was duly advised that one of the certificates of insurance for the 29-passenger minibus was cancelled effective March 19, 1991. Pursuant to Order No. 3600, served January 17, 1991; Order No. 3623, served March 8, 1991; and Commission Regulation 58, the February 15 filing triggered the necessity for V.I.P. Tours to file evidence of insurance in the amount of \$5 million covering all operations, regardless of the specific vehicles involved, because Certificate No. 85 authorizes transportation in vehicles seating more than 15 passengers (including the driver). Under Regulation 58, the minimum amount of insurance required is dictated by the size vehicles the carrier is authorized to operate. Accordingly, by letter dated February 19, 1991, the Commission advised V.I.P. Tours that it must file appropriate evidence of insurance pursuant to Regulation 58 by March 19, 1991, the effective date of the notice of cancellation.

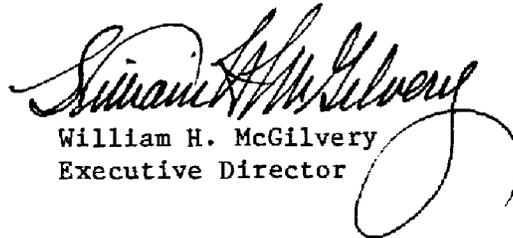
By motion filed March 19, 1991, V.I.P. Tours, through its attorney, asks the Commission to suspend that portion of its Certificate No. 85 that authorizes the use of vehicles seating more than 15 passengers (including the driver). Even if this were done, the provision of Regulation No. 58 has already been triggered that requires insurance in the minimum amount or \$1.5 million dollars for vehicles seating 15 passengers or less (including the driver).

Also on March 19, 1991, were filed three certificates of insurance showing that each of the three insurance policies issued to each of the partners had been endorsed to cover the partnership and each of the partners for a combined single limit of \$1.5 million. Any one of the three certificates of insurance would be acceptable under Regulation 58 to cover the entire partnership up to \$1.5 million. Therefore, if the motion of V.I.P. Tours were granted, Certificate No. 85 would then be restricted to operations in vehicles seating 15 persons or fewer (including the driver), and insurance in the amount of \$1.5 million would be acceptable.

The Compact, Title II, Article XI, Section 10(b) provides that, upon application by the holder of a certificate, the Commission may suspend, amend, or terminate the certificate. For good cause shown, the motion of V.I.P. Tours will be granted, and operations pursuant to Certificate No. 85 will be restricted to transportation in vehicles with a manufacturer's designed seating capacity of 15 persons or less (including the driver).

THEREFORE, IT IS ORDERED that Certificate of Public Convenience and Necessity No. 85 held by V.I.P. Tours, a partnership consisting of James L. Davenport, James L. Hughes, and Luther Ray Huff, is hereby suspended only to the extent that it authorizes transportation in vehicles with a manufacturer's designed seating capacity in excess of 15 persons (including the driver), until otherwise ordered by the Commission.

FOR THE COMMISSION:


William H. McGilvery
Executive Director