

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 3711

IN THE MATTER OF:

Served May 1, 1991

Issuance of Certificate of Authority No. 85 to JAMES L. DAVENPORT, JAMES L. HUGHES, and LUTHER RAY HUFF, a Partnership, Trading as V.I.P. TOURS)

Case No. MP-91-02

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

Case No. MP-91-11

James L. Davenport, James L. Hughes, and Luther Ray Huff, a Partnership, trading as V.I.P. Tours holds Certificate of Public Convenience and Necessity No. 85, issued pursuant to the Compact 1/, Title II, Article XII, Section 4. On February 1, 1991, an amended Compact 2/ became effective. The amended Compact, Title II, Article XI, Section 6 provides:

"6. (a) A person may not engage in transportation subject to this Act unless there is in force a 'Certificate of Authority' issued by the Commission authorizing the person to engage in that transportation.

"(b) On the effective date of this Act a person engaged in transportation subject to this Act under an existing 'Certificate of Public Convenience and Necessity' or order issued by the Commission shall be issued a new 'Certificate of Authority' within 120 days after the effective date of this amendment.

"(c)(i) Pending issuance of the new Certificate of Authority, the continuance of operations shall be permitted under an existing certificate or order issued by the Commission which will continue in effect on the effective date of this Act.

"(ii) The operations described in paragraph (i) of this subsection shall be performed according to the rates, regulations, and practices of the certificate holder on file with the Commission on the effective date of this Act.

1/ Public Law 86-794, 74 Stat. 1031, as amended by Public Law 87-767, 76 Stat. 764.

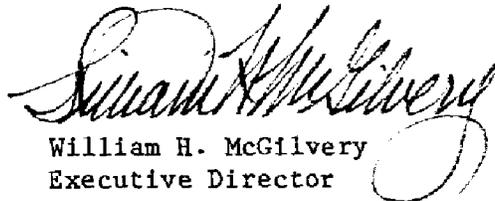
2/ Id. as amended by Public Law 101-505, 104 Stat. 1300.

Certificate of Public Convenience and Necessity No. 85 issued to James L. Davenport, James L. Hughes, and Luther Ray Huff, a Partnership, trading as V.I.P. Tours authorizes only irregular route transportation. Accordingly, James L. Davenport, James L. Hughes, and Luther Ray Huff, a Partnership, trading as V.I.P. Tours is entitled to be issued a Certificate of Authority authorizing irregular route transportation coextensive with the Commission's jurisdiction in the Washington Metropolitan Area Transit District. Certificate of Authority No. 85 supersedes Certificate of Public Convenience and Necessity No. 85.

THEREFORE, IT IS ORDERED:

1. That Certificate of Authority No. 85 is hereby issued to James L. Davenport, James L. Hughes, and Luther Ray Huff, a Partnership, trading as V.I.P. Tours as appended to this order.
2. That Certificate of Authority No. 85 encompasses and supersedes Certificate of Public Convenience and Necessity No. 85.
3. That Certificate of Authority No. 85 is effective immediately.
4. That Case No. MP-91-11 is hereby terminated.

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


William H. McGilvery
Executive Director

3/ By Order No. 3634, served March 19, 1991, in Case No. MP-91-11, Certificate of Public Convenience and Necessity No. 85 was suspended at the request of the carrier, only to the extent that Certificate No. 85 authorized transportation in vehicles with a manufacturer's designed seating capacity in excess of 15 persons (including the driver). On April 29, 1991, an appropriate certificate of insurance was filed increasing this carrier's insurance to the amount required for the operation of vehicles seating 16 or more persons (including the driver). Therefore, the partial suspension will be lifted, and Case No. MP-91-11 will be terminated.

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

CERTIFICATE OF AUTHORITY

NO. 85

James L. Davenport, James L. Hughes, and Luther Ray Huff
a Partnership Trading as
V.I.P. Tours
2107 Marbury Drive
District Heights, Maryland 20747

By Order Nos. 2447, 2483, 2504, 2837, 3164, and 3711 of the Washington Metropolitan Area Transit Commission issued August 9, 1983; October 7, 1983; December 2, 1983; March 17, 1986; May 10, 1988; and May 1, 1991;

WHEREAS, the above-named carrier is entitled to receive authority to transport passengers within the Washington Metropolitan Area Transit District;

THIS CERTIFICATE OF AUTHORITY is hereby issued to the said carrier as evidence of the authority to engage in the for-hire transportation of passengers 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:

IRREGULAR ROUTES, transporting passengers between points in the Washington Metropolitan Area Transit District;

RESTRICTED TO operations conducted according to the said carrier's applicable tariff on file with the Commission; and

RESTRICTED AGAINST (1) transportation solely within the Commonwealth of Virginia and (2) any passenger transportation for hire on an individual fare paying basis in competition with any existing, scheduled, regular-route, passenger transportation service performed by, or under a contract with, the Federal Government, a signatory to the Compact, a political subdivision of a signatory, or the Washington Metropolitan Area Transit Authority.

THIS CERTIFICATE OF AUTHORITY DOES NOT AUTHORIZE ANY TRANSPORTATION BY ANY PERSON OTHER THAN THE CARRIER NAMED HEREON.

THIS CERTIFICATE OF AUTHORITY IS NOT VALID UNLESS THE CARRIER NAMED HEREON IS IN COMPLIANCE WITH THE INSURANCE REQUIREMENTS OF THE COMMISSION.

CERTIFICATE OF AUTHORITY NO. 85
James L. Davenport, James L. Hughes,
and Luther Ray Huff, a Partnership,
Trading as V.I.P Tours
Page Two

IT IS A FURTHER CONDITION of this certificate of authority that the carrier named hereon shall (a) provide safe and adequate transportation service, equipment, and facilities; and (b) observe and enforce Commission regulations.