

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 2419

IN THE MATTER OF:

Served May 17, 1983

Application of ARTHUR J. THOMAS )  
t/a GOLDEN EAGLE SIGHTSEEING TOURS )  
for Temporary Authority to Conduct )  
Special Operations -- Sightseeing )

Case No. AP-83-16

By application filed May 3, 1983, Arthur J. Thomas seeks temporary authority to transport passengers in special operations, limited to sightseeing tours between points of interest in the Metropolitan District, restricted to service performed in vehicles with a manufacturer's designed seating capacity of 15-passengers or less (including the driver).

Essentially, Mr. Thomas proposes a service which is virtually identical to the sightseeing operations described in Order Nos. 2413 and 2414, both served May 5, 1983. For the reason set forth below, a comprehensive description of the proposed operation is unnecessary.

In 1976, Mr. Thomas sought a certificate of public convenience and necessity from this Commission to conduct the same operations described in the instant application. The 1976 application was denied for failure "to establish [the applicant's] financial fitness," because "no probative evidence was presented concerning either the number of people utilizing Mr. Thomas' service in the past nor any estimate made of future patronage," and because

[t]he Commission is also of the opinion that applicant is unwilling or unable to operate in accordance with lawful regulations. Irrespective of applicant's asserted lack of knowledge about this Commission's statutory duties, he certainly was aware at the time this application was filed that continuing to operate without appropriate authority is unlawful. However, applicant continued to operate, thereby evidencing a blatant disregard for the Compact and clear indifference to its requirements.

Mr. Thomas was ordered to cease and desist from performing transportation for hire between points in the Metropolitan District. See Order No. 1624, served November 17, 1976.

It appears from this record that Mr. Thomas has been operating continuously, and has totally disregarded the cease-and-desist directive. The mere fact that he holds a license to guide tours does not obviate his obligation to have authority to transport tour patrons. On this record, we can only conclude that applicant's attitude toward our regulatory requirements has not changed.

Accordingly, this application shall be denied. Such denial, however, raises no presumption with respect to Mr. Thomas' pending request for permanent authority.

BY DIRECTION OF THE COMMISSION, COMMISSIONERS CLEMENT, SCHIFTER AND SHANNON:

  
WILLIAM H. MCGILVERY  
Executive Director