

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 2426

IN THE MATTER OF:

Served June 6, 1983

Application of JAMES WARREN)
 DICKENS for Temporary Authority)
 to Conduct Special Operations --)
 Sightseeing)

Case No. AP-83-34

Application of HENRY LICHTENSTEIN)
 for Temporary Authority to Conduct)
 Special Operations -- Sightseeing)

Case No. AP-83-35

By application filed May 11, 1983, James Warren Dickens seeks temporary authority to engage in special operations, transporting passengers in sightseeing service beginning and ending in the vicinity of the Washington Monument and extending to Arlington National Cemetery and Mt. Vernon, Va., and points in the District of Columbia, restricted to transportation in an eight-passenger van.

Mr. Dickens offers four basic tours at the prices set forth below:

	ADULT FARE	CHILD FARE AGES 6-12	CHILDREN UNDER 5
Building Tour	\$12.50	\$6.00	FREE
City Tour	8.00	4.00	FREE
Arlington Tour	12.00	6.00	FREE
Mt. Vernon Tour	17.00 <u>1/</u>	8.50 <u>1/</u>	FREE <u>1/</u>

Mr. Dickens states that he has been a tour guide in Washington, D. C., for over 30 years. Originally conducting tours in a taxicab and then a limousine, applicant now operates an eight-passenger van. He states that he often encounters tired people, tourists who cannot find parking places, or handicapped people who are eager to take a personalized tour of the Nation's Capital. A newspaper article from the Prince George's Journal about Mr. Dickens provides further information about the customized tours offered by this applicant.

1/ Applicable admission charge is extra.

Several affidavits supporting the application were filed. Andrew Taylor, a member of the Washington Federals football team, first tried applicant's tour while visiting Washington with his family in 1981. Because of his immense satisfaction with the tour, he is now encouraging his teammates ". . . to take advantage of Mr. Dickens' tour guide expertise." Avis Johnson of Silver Spring, Md., avers that Mr. Dickens has made visits by her family and friends ". . . truly memorable. . . ." She strongly urges that Mr. Dickens' services be continued. Edna McAlister of Washington, D. C., states that Mr. Dickens provides a very valuable service to the community including transportation of relatives, friends, church groups and underprivileged persons in addition to tourists from out of town.

Henry Lichtenstein seeks temporary authority to transport passengers, in special operations limited to sightseeing, "between points of interest within the Metropolitan District," restricted to transportation performed in a vehicle with a manufacturer's designed seating capacity for 15 passengers or less (including the driver).

Applicant's Tour A includes the White House, U. S. Capitol, Air and Space Museum, Archives, Smithsonian Institution, Museum of History and Technology, Washington Monument and Jefferson Memorial. Tour B includes Alexandria and Lincoln Memorial and either Mt. Vernon or Arlington National Cemetery. Tour C is a combination of Tours A and B. Prices are as set forth below.

	ADULT FARE	CHILD FARE AGES 5-11	CHILDREN UNDER 5
TOUR A	\$12.50	\$6.25	FREE
TOUR B	15.00	7.50	FREE
TOUR C	17.50	8.75	FREE

A 10 percent discount is available for senior citizens and handicapped persons.

Applicant proposes to use an 11-passenger van, and states that for many years he had been providing the proposed service without realizing that authority from this Commission is required therefor. Upon being notified of our requirements, he discontinued operations and filed applications for temporary and permanent authority.

Applicant states that the individualized and unstructured nature of his tours appeals to many visitors to Washington, D. C., and that authorization to continue the same service provided over the last two decades would not harm currently certificated carriers. Mr. Lichtenstein projects for 1983 receiving revenues of \$13,747, with corresponding expenses (exclusive of his salary or profit) of \$6,518.

The District Administrator of Joint School District No. 1, Silver Lake, Wis., in a letter dated October 4, 1982, commends applicant's service. An undated letter from Dr. Nathan Gittlemen is of the same genre. Other letters of praise and requests for service are from Mr. and Mrs. George Riley and Mr. and Mrs. William Riley (October 30, 1978), Otto H. Schenk (March 24, 1976), Mrs. Axlene Runisman (October 27, 1980), Bob, Dot, Rose and Ray (undated), the Gaylon Folks family and Marie Kirpes (undated), Mr. and Mrs. Neal Hanson (undated) and Ted, Ardyth, Steve and Susan (undated).

Mr. Lichtenstein also submitted with his corresponding permanent application (Case No. AP-83-13, as amended) several other letters of support. Letters from Elaine and Chet Timmer (May 25, 1982), the Susan L. Ritchie family (undated), the James R. Curbeau family (August 17, 1981), the Victor I. Miller family (June 4, 1982), Gunner Rystromm and friends (undated) and Karoline George (August 1, 1981) are all complimentary. Two of these letters express an intent again to use Mr. Lichtenstein's service on future trips to Washington, D. C.

Title II, Article XII, Section 4(d)(3) sets forth the criteria for temporary authority. In these cases, we find that these criteria have been met. There appears to be a continuing need for the individualized services of Mr. Dickens and Mr. Lichtenstein. Although Webb Tours, Inc., has a continuing objection to applications such as these, that protestant's service is substantially dissimilar from applicants' operations. Accordingly, the applications shall be granted subject to the restrictions and conditions set forth below.

THEREFORE, IT IS ORDERED:

1. That temporary authority is hereby granted to each applicant as follows:

Special operations, restricted to lectured, round-trip sightseeing tours, between Mt. 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); and

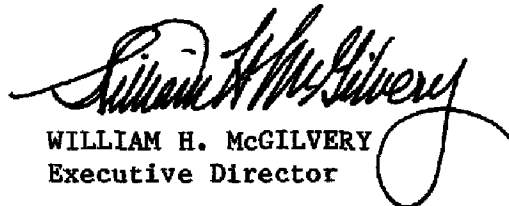
FURTHER RESTRICTED against the solicitation of passengers on any public space south of a line beginning at the junction of the east side of East Executive Avenue and the center line of Pennsylvania Avenue, N. W., thence along Pennsylvania Avenue, N. W., and a line extending along the northern boundary of the White House and the Executive Office Building to the west side of 17th Street, N. W. 2/

2. That the temporary authority granted herein shall be effective on the date of service of this Order or the date on which each applicant files an acceptable certificate of insurance and affidavit of compliance with Commission Regulation No. 68-03 governing identification of vehicles, and on which Mr. Dickens files an appropriate tariff, whichever is later, and shall continue in effect for 180 days unless otherwise ordered by the Commission.

3. That applicants are directed to file the materials specified in the preceding paragraph within 10 days from the date of service of this Order.

4. And that, except to the extent granted herein, the applications in Case Nos. AP-83-34 and AP-83-35 are hereby denied.

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


WILLIAM H. MCGILVERY
Executive Director

2/ D. C. Police Regulations (January 1983), Article II, §8(e)(7).