

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 2448

IN THE MATTER OF:

Served August 10, 1983

Application of CBS TOURS, INC., )  
for Temporary Authority to Conduct )  
Charter Operations )

Case No. AP-83-40

Application of CBS TOURS, INC., )  
for a Certificate of Public )  
Convenience and Necessity — )  
Charter Operations )

Case No. AP-83-41

By applications filed June 23, and July 5, 1983, CBS Tours Inc., seeks both temporary authority and a certificate of public convenience and necessity to transport passengers, in charter operations, between points in the Metropolitan District, delimited as follows:

Airport/hotel and train station/hotel transfers (inbound and outbound), sightseeing and special charter operations between points in the Metropolitan District for pre-formed foreign tourist groups of up to 25 individuals which originate overseas through brokers, together with their baggage.

CBS proposes four sightseeing tours. The city tour includes unspecified points in the District of Columbia and Arlington National Cemetery. A night tour includes unspecified points in D. C. and McLean, Va. A third tour embraces Georgetown and Alexandria and Mt. Vernon, Va., while the "cultural Washington" tour involves unspecified points in the District of Columbia. Each tour lasts approximately four hours and includes native-language tour guide service and admission fees. Prices to be charged are as set forth below.

CHARTER SIGHTSEEING CHARGES

	2	3	4	5	6-14	15-30	30+
City Tour	\$18	\$16	\$15	\$14	\$13	\$12.50	\$12
Georgetown Tour	21	19	18	17	16	15.50	15
Night Tour	18	16	15	14	13	12.50	12
Cultural Tour	18	16	15	14	13	12.50	12

TRANSFERS

	2	3	4	5	6-14	15-30	30+
National Airport to bus/train terminals:	\$11	\$10.50	\$ 9.00	\$ 8.50	\$ 8.00	\$ 7.75	\$7.50
Dulles Internat'l Airport:	15	13.00	12.50	12.00	11.50	10.00	9.50

CBS now owns one 15-passenger van. It plans to purchase one 18-passenger vehicle and a 22-passenger minibus should this application be granted. Additional vehicles will be purchased as necessary.

CBS's balance sheet, dated December 31, 1982, shows current assets of \$26,259, total assets of \$64,370, current liabilities of \$29,414 and equity of \$25,205. Its operating statement for calendar year 1982 shows total income of \$236,379 (including \$165,698 from "sale of tour service"), expenses of \$222,774, and a profit (before income taxes) of \$13,605.

In support of the temporary authority application, CBS states that it has been providing "a full range of personalized travel services for tourists" since 1973. Tourists from Spanish, Italian and Portuguese speaking countries comprise most of applicant's clientele. For groups exceeding 25 persons, CBS uses a WMATC certificated bus company such as Gold Line, Inc. For smaller groups, CBS claims that it must frequently accommodate customers on short notice and has experienced difficulty (of an unspecified nature) in this regard. From December 21, 1981, to December 20, 1982, CBS provided service to 3,897 tourists, approximately 83 percent of whom arrived during the summer and fall seasons.

CIT Tours Corp., located in New York, N.Y., states that CBS has been its official representative in Washington, D. C., for over four years. During that period CBS has provided prompt and reliable service. The Capitol Hilton has done business with CBS and strongly recommends approval of this application as does the Shoreham Hotel.

On June 27, 1983, Beltway Limousine Service, Inc., filed a protest to the temporary authority application stating that it is ready, willing and able to provide the proposed service to the extent that Beltway is so authorized. As pertinent, Beltway's Certificate No. 25 authorizes charter operations between points in the Metropolitan District and special operations between Washington National Airport and Dulles International Airport, on the one hand, and, on the other, various hotels and motels in northeast Washington, D. C., and Montgomery and Prince George's Counties, Md. Airport Limo, Inc., "strenuously protests" the application and states that no immediate and urgent need for the proposed service has been shown. Airport Limo holds general charter authority and special operations authority to and from Washington National Airport and Dulles International Airport.

International Limousine Service, Inc., filed a protest on June 28, 1983. ILS stands ready, willing and able to provide the proposed services and its drivers and guides are fluent in 10 foreign languages.

Babel Travel Service, Inc., also protests the temporary authority application. Babel holds temporary authority to conduct charter operations (not special operations) to the same sector of the transportation market which CBS proposes to serve. Like CBS, Babel specializes in providing foreign language tour service with particular emphasis on the Spanish speaking market.

Babel contends that the evidence does not establish any immediate and urgent need as required by Title II, Article XII, Section 4(d)(3) of the Compact. Babel further alleges that CBS is unfit to provide the proposed service inasmuch as CBS has assertedly continued sightseeing operations after being informed by this Commission that such operations should cease until CBS obtained appropriate authority therefor.

With respect to the latter point, we note that applicant's president, Mr. Carlos Borda, has been advised by our staff on several occasions of the need for proper authorization to engage in the transportation of passengers between points in the Metropolitan District. Filing of these applications, of course, evidences an understanding of this requirement.

July 3, 1983, Mr. Borda was apprehended by the U. S. Park Police transporting passengers for hire without a WMATC certificate. According to Case Incident No. 025996 a vehicle driven by CBS's president was observed at Arlington National Cemetery on that date.

The application for a certificate must be scheduled for a public hearing pursuant to Title II, Article XII, Section 4(b) of the Compact. CBS will be directed to arrange appropriate publication and to pay a sum estimated to cover the cost of its hearing.

Temporary authority, on the other hand, may be granted in our discretion without a hearing where the criteria of Title II, Article XII, Section 4(d)(3) are met. This record does not clearly establish, however, that these criteria are met. Moreover, real questions have been raised about applicant's compliance fitness.

Accordingly, we find that scheduling the temporary authority application for simultaneous hearing with the application for a certificate would be the most efficacious way of resolving all the issues in both cases. So that a full record may be developed, we will also direct that applicant provide appropriate business records.

THEREFORE, IT IS ORDERED:

1. That CBS Tours, Inc., is hereby directed to produce for inspection and photocopying all records, books, manifests, service orders, lease agreements, checks, invoices, receipts and other business documents for the period June 15, 1983, through July 15, 1983, at the office of the Commission on Monday, August 29, 1983, at 10:00 a.m.

2. That CBS Tours, Inc., and its officers, agents and servants, are hereby directed to cease and desist from transporting passengers for hire, directly or indirectly, between any points in the Metropolitan District unless and until there is in force appropriate authority therefor from this Commission.

3. That Case Nos. AP-83-40 and AP-83-41 are hereby scheduled for public hearing to commence on Wednesday, September 7, 1983, at 9:30 a.m. in the Hearing Room of the Commission, Room 314, 1625 I Street, N. W., Washington, D. C. 20006.

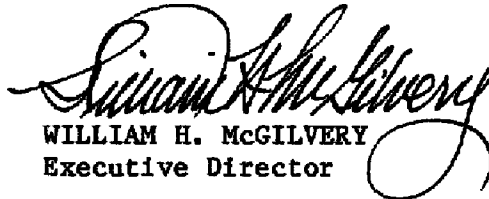
4. That applicant publish once in a newspaper of general circulation in the Metropolitan District notice of this application and hearing, in the form prescribed by the staff of the Commission, no later than August 15, 1983, and present at the hearing an affidavit of publication from the selected newspaper.

5. That any person desiring to protest either or both of the applications shall file a protest in accordance with Commission Rule No. 14, or any person desiring to be heard on these matters shall so notify the Commission, in writing, no later than August 26, 1983, and shall simultaneously serve a copy of such protest or notice on applicant's president, Mr. Carlos Borda, CBS Tours, Inc., 1625 I Street, N. W., Suite 124-A, Washington, D. C. 20006. \*/

6. That applicant file with the Commission at 10:00 a.m. on August 29, 1983, four copies of a statement of projected revenue and revenue deductions anticipated from its first 12-month period of operations, simultaneously serve one copy of such statement on each party of record as of August 26, 1983, and produce the original thereof at the public hearing.

7. That applicant is hereby assessed \$700 pursuant to Title II, Article XII, Section 19 of the Compact and is directed to deliver that sum to the office of the Commission, Suite 316, 1625 I Street, N. W., Washington, D. C. 20006, at 10:00 a.m. on August 29, 1983.

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

  
WILLIAM H. MCGILVERY  
Executive Director

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\*/ Beltway Limousine Service, Inc., International Limousine Service, Inc., Airport Limo, Inc., and Babel Travel Service, Inc., are already parties of record and need not file additional protests.