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Smaller tour operators seek more access on Independence Mall

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PHILADELPHIA - Until a few years ago, visitors to Independence Mall could expect an onslaught of sales pitches from brochure-waving tour operators.

To quiet the fray, officials quashed the free-market policy and ordered operators to pay fees to park their vehicles outside the new visitors center or host a booth inside. A 2006 city law set a \$5,000-a-year permit fee for each of the eight parking spots in an effort to restore some order.

But two years later, smaller operators who didn't snag a spot are crying foul, saying they've lost their access to customers.

Anyone interested, say, in a sports history tour offered by Philadelphia-based American Trolley Tour, would have to seek information online.

"I think if I had a presence downtown on a Saturday, I could sell that tour over and over and over," operations manager Ann Boulais said.

Two large tour conglomerates, Ride the Ducks and Philadelphia Trolley Works and 76 Carriage Co., which operates trolley, double-decker bus and other tours, command all eight tour operator spots outside the visitors center.

The near-monopoly exists despite the city ordinance, which limits the spots to one per company.

Ride the Ducks admits it incorporated four separate companies, Ride the Ducks, River Ducks, Penn Ducks and Philly Ducks, to secure the spots it says it needs to stay in business.

"We obviously comply within the letter of the law, but also with the spirit of why the law was written, to clean up the mall and improve the guest experience," said Stephen Dutcher, general manager in Philadelphia for Ride the Ducks, a division of Herschend Family Entertainment of Norcross, Ga. "We feel that we're doing both."

Doug Oliver, a spokesman for Mayor Michael Nutter, said he needed to research the issue before he could comment.

At mid-afternoon Tuesday, Dutcher's firm had four of its amphibious duck boats parked at the mall, while Philadelphia Trolley Works had one vehicle on standby.

Ride the Ducks sells about 200,000 tickets a year in Philadelphia, Dutcher said. The company has paid to buy out two upstart rivals since it entered the Philadelphia market in 2004, at least in part because they were hurting his firm's reputation, he said.

Jonathan Bari, who offers walking tours through his Constitutional Walking Tour of Philadelphia, wants to regain the right to sell tours to area passers-by.

"When someone walks by the Independence Visitor Center, they'll see upward of 14 duck-tour boats, and walking tours are completely obscured by that," Bari said.

He also wants the city to enforce the one-parking spot rule, and let competition flourish.

"We have nothing against the ducks," he said. "We just want the Philadelphia code enforced."