

**ORIGINAL**

Decision No. 40434

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)  
WALTER P. BOWMAN for a certificate )  
of public convenience and necessity)  
to operate sight-seeing motor tours)  
within the Oakland-San Francisco )  
Bay Area from Oakland to San Fran- )  
cisco and from San Francisco to )  
Oakland. )

Application No. 27300

WALTER K. OLDS, for applicant.  
ALLAN P. MATTHEW and ROLAND J. HENNING, for The Gray  
Line, Inc., and Fialer's Limousines, Inc.,  
protestants.  
WALTER A. ROHDE, representing San Francisco Chamber of  
Commerce as interested party.

O P I N I O N

This is an application by Walter P. Bowman for a certifi-  
cate of public convenience and necessity to operate a sight-seeing  
motor tour service within and between the cities of Oakland and  
San Francisco. It is proposed to operate four tours daily, two  
originating and terminating in Oakland and two originating and  
terminating in San Francisco.

A public hearing was held before Examiner Gannon in San  
Francisco on March 17, 18 and 19, 1947, and the matter was submitted  
on briefs.

(1)(2)  
The application is protested by The Gray Line, Inc.,

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(1) Also appearing in protest, is Fialer's Limousines, Inc., a  
Gray Line associated company, which is authorized to conduct  
sight-seeing operations by limousines over the same routes as  
Gray Line. The buses and limousines of Fialer's are available  
to Gray Line during peak periods.

(2) Hereinafter referred to as Gray Line.

which operates a number of tours in the Bay area, providing a service similar to those proposed by applicant. (3) Following is a comparison of tours proposed by applicant with those presently operated by Gray Line:

TOURS ORIGINATING AND TERMINATING IN OAKLAND

Applicant's Proposed Tours:

Tour No. 1  
Bay Bridge and San Francisco City Tour

Originates and terminates in Oakland. Provides for stops at Mission Dolores, Twin Peaks and Steinhart Aquarium. Starting time 2 p.m. daily.

Fare \$2.90, including tax  
Mileage, 40.9, approx.  
Time, 3 hrs., 40 min.

Tour No. 2  
Bay Bridge - San Francisco Chinatown Tour

Originates and terminates in Oakland. Provides for stops at Chinatown and Fisherman's Wharf, with a trip to Telegraph Hill. Starting time 8 p.m. daily.

Fare \$2.00, including tax  
Mileage, 27.8 approx.  
Time, 3 hrs. approx.

Existing Gray Line Tours:

Tour No. 18  
Bay Bridge - San Francisco Tour De Luxe

Originates and terminates in Oakland and makes the same trip proposed by Bowman's Tour No. 1. Daily at 10:20 a.m. and 1:20 p.m.

Fare \$2.88, including tax  
Time, 3½ hrs.

Tour No. 23  
Bay Bridge - Chinatown After Dark

Originates and terminates in Oakland and makes the same trip proposed by Bowman's Tour No. 2. Nightly at 7:30 p.m.

Fare \$2.30, including tax  
Time, 3½ hours

(3) In addition to tours which are substantially the same as those proposed by applicant, Gray Line also operates the following tours:

- No. 22 - Bay Bridge - San Francisco, Golden Gate Bridge.
- No. 24 - Oakland, Berkeley, Muir Woods, Bridges.
- No. 5 - From San Francisco to Oakland, Berkeley, University of California.
- No. 17 - San Francisco-Oakland Bay Bridge.
- No. 11 - Around San Francisco Bay, Palo Alto, Stanford and University of California.
- No. 16 - Oakland, Berkeley, Muir Woods, Bridges.
- No. 25 - San Francisco Bay Circle, Marin County, San Quentin Prison.

TOURS ORIGINATING AND TERMINATING IN SAN FRANCISCO

Applicant's Proposed Tours:

Tour No. 1-A  
San Francisco City Tour - Bay  
Bridge

Originates and terminates in San Francisco. Provides for stops at Mission Dolores, Twin Peaks and Steinhart Aquarium. Also includes a trip over San Francisco-Oakland Bay Bridge to the Oakland City Hall and return. Starting time 2 p.m. daily.

Fare \$2.90, including tax  
Mileage, 40.9 miles approx  
Time, 3 hrs. 40 mins., approx.

Tour No. 2-B  
San Francisco Chinatown -  
Bay Bridge Tour

Originates and terminates in San Francisco. Provides for stops at Chinatown and Fisherman's Wharf, with a trip to Telegraph Hill. Also includes a trip over San Francisco-Oakland Bay Bridge to the Oakland City Hall and return. Starting time 8 p.m. daily.

Fare \$2.00, including tax  
Mileage, 27.8 miles approx.  
Time, 3 hrs.

Existing Gray Line Tours:

Tour No. 1  
City of San Francisco Tour De  
Luxe

Stops at the same points of interest as are provided for in Bowman's proposed Tour No. 1-A and in addition stops at the Cliff House. Does not include a trip over the San Francisco-Oakland Bay Bridge to Oakland City Hall and return. Daily at 10 a.m., 11 a.m., 2 p.m., 3 p.m. (also at 9 a.m. and 12:30 p.m. June 15 to Sept. 1).

Fare \$2.59, including tax  
Time, 3 hrs.

Tour No. 3  
Chinatown After Dark

Makes the same stops as are provided for in Bowman's Tour No. 2-B. Does not include a trip over the San Francisco-Oakland Bay Bridge, the Oakland City Hall and return. It is offered nightly at 8 p.m. (also at 7:30 and 8:30 p.m. June 15 to Sept. 1).

Fare \$1.73, including tax  
Time, 2½ hrs.

Applicant has been in the employ of the Gray Line as a bus operator and guide for twenty-one years and is presently so employed. He proposes to begin his operation with two new 37-passenger sight-seeing motor coaches, estimated to cost approximately \$12,000 each. The necessary funds to finance the initial operation will be provided by the builder of the buses.

It is the contention of applicant, as developed by the testimony, that he is offering a new and different type of sight-seeing service than is now rendered by Gray Line, that Gray Line virtually enjoys a monopoly of such service, that the applicant offers a service embracing the industrial and downtown area of Oakland, which Gray Line does not provide, that the East Bay territory, particularly Oakland and the county of Alameda, is experiencing a substantial increase in population. While admitting that the proposed and existing services are practically the same, applicant stresses the fact, not denied by protestant, that the essential difference between the proposed Tour No. 1 and Gray Line Tour No. 18 is that on Tour No. 1 patrons will make the complete tour in one sight-seeing bus, while in the operation of Tour No. 18, Gray Line conducts what is called a "shuttle service", by bringing patrons from Oakland to San Francisco by limousine for transfer to a sight-seeing bus in San Francisco and then returns them to Oakland in the same manner.

Applicant produced nine witnesses whose testimony may be generally summarized as follows: Due to the rapidly increasing population of the Bay area, particularly Oakland and vicinity, there is need of an additional sight-seeing service to meet the demands of tourists. There was some complaint of the present service involving the practice followed by Gray Line of transporting passengers from Oakland to San Francisco in limousines and then transferring them to buses for the tour of San Francisco. Two of the witnesses expected to be associated with the applicant in the conduct of the business should his application be granted. There was a good deal of testimony regarding the extent and volume

of probable increase in trans-bay population. The major portion of the testimony, however, was directed to the need for additional sight-seeing service.

Applicant advances the following reasons why he should be granted a certificate:

1. That he offers sight-seeing trips from San Francisco to Oakland and reverse, over the Bay Bridge, via the industrial and downtown areas of Oakland, which, it is claimed, are not offered by Gray Line (Tours Nos. 1 and 2 and Nos. 1-A and 2-B).
2. That due to the anticipated increase in population in San Francisco and Alameda Counties, it is reasonable to expect a corresponding increase in demand for sight-seeing service in that area.
3. That the granting of a certificate to applicant will result in a better service by Gray Line and stimulate it to greater effort and improved service.

The fact is, however, that Exhibit No. 4 indicates that Gray Line offers Tours Nos. 18 and 23 originating and terminating in Oakland and San Francisco, respectively, and making the same trips proposed by applicant in Tours Nos. 1 and 2, and that Gray Lines' Tours Nos. 1 and 3 make the same stops that are offered by applicant's Tours Nos. 1-A and 2-B with the exception of the trip over the Bay Bridge to Oakland City Hall and return.

As to reason No. 2, applicant fails to take into account the fact that the bulk of sight-seeing patrons is derived from tourists coming from out of state points, and not from permanent residents.

The argument put forth in reason No. 3 is not supported either by logic or by the record in this proceeding. With the exception of the witness Thompson, who conducts a limousine sight-

seeing service in the East Bay territory to some extent competitive with Gray Line, the entire record is destitute of complaint against Gray Line service, or any contention that its service is not adequate and satisfactory, or, as alleged by applicant, that it is failing in its obligation to render an adequate sight-seeing service to the East Bay area.

The position of applicant is, in brief, that the service presently rendered by Gray Line, as it affects the San Francisco-Oakland area, is inadequate and unsatisfactory, and that it is not responding to the demands of public convenience and necessity.

On behalf of protestant Gray Line, the public witnesses may be placed in two categories: Those representing hotels, and those representing convention and tourist bureaus, railroads, and the American Express Company. There was no variance in the testimony of the hotel representatives. Without exception they were familiar with the Gray Line service, found it to be satisfactory in every respect, that there had been no complaints respecting the service, and no failure on the part of Gray Line to meet every demand upon it for adequate and convenient sight-seeing service.

From the record before us we are satisfied that the applicant does not propose a new or different type of service from that rendered by Gray Line. On the contrary, his application offers a service which, to all intents and purposes, is a virtual duplication of the service now being satisfactorily rendered. Nowhere in the record do we find any clear and affirmative showing that the existing service is inadequate or unsatisfactory, if we except the testimony of the witness Thompson. The so-called "shuttle service", by which Gray Line uses limousines for trans-

portation of patrons from Oakland to San Francisco in the event that there are less than eight passengers, and the use of Greyhound or Key System buses in peak emergencies, are, in our opinion, not inconsistent with the rendering of an efficient service of this character.

Upon a thorough review of the record herein we are of the opinion, and so find, that the application should be denied, and it will be so ordered.

O R D E R

A public hearing having been held in the above entitled proceeding, the matter having been submitted and the Commission being duly advised,

IT IS ORDERED that Application No. 27300 of W. P. Bowman for a certificate of public convenience and necessity to operate sight-seeing motor tours within the Oakland-San Francisco Bay area, from Oakland to San Francisco and from San Francisco to Oakland, be, and it her-by is, denied without prejudice.

The effective date of this order shall be 20 days from the date her-of.

Dated at San Francisco, California, this 27<sup>th</sup> day of June, 1947.

Harold J. Kule  
Justice J. Calves  
Geo. H. Powell  
R. F. Johnson  
Reineth Potter  
 COMMISSIONERS