

ORIGINAL

Decision No. 65330

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
E. W. McGINNIS, doing business as
SOUTHERN CALIFORNIA TOURS, for a
certificate of public convenience
and necessity to operate as a
passenger stage corporation.

Application No. 45040
(Filed December 17, 1962)

Donald Murchison, for applicant.
Knapp, Gill, Hibbert and Stevens, by Karl K. Roos, for Tanner Motor Tours, Ltd.,
protestant.
R. W. Russell, by K. D. Walpert, for City of
Los Angeles, interested party.
Fred G. Ballenger, for Commission staff.

O P I N I O N

By this application, E. W. McGinnis requests authority to operate a sight-seeing passenger stage service between Disneyland and Garden Grove, on the one hand, and points and places in the Hollywood and Beverly Hills areas, on the other hand.

A public hearing was held in Los Angeles on March 12 and 13, 1963, before Examiner Chiesa. Oral and documentary evidence having been adduced, the matter was submitted for decision.

The evidence of record shows that:

Applicant proposes a daily round-trip sight-seeing tour between the motels in the vicinity of Disneyland and the Hollywood-Beverly Hills area, pointing out places of interest

along the route. It is proposed to make a rest stop at the Chinese Theatre and a lunch stop at the Farmers Market. The round-trip distance is approximately ninety miles. There are at least forty motels in the vicinity of Disneyland along applicant's proposed route and applicant proposes to stop at any or all of them, picking up and discharging passengers at the street curb on both sides of the street if necessary. It was estimated that approximately twenty passenger stops per day would be made and that at least one hour would be required to make the pickups and a similar time for the discharging of passengers. The tour would commence at 7:30 a.m. and return in the afternoon.

Applicant proposes to charge a fare of \$5.50 for adults, \$2.75 for children 5 to 12 years of age, and no charge for children under 5 years.

Applicant owns no equipment nor does he propose to acquire any. His plan is to rent passenger buses with drivers from certified passenger stage operators on a mileage or per-hour basis. He has no binding commitments at this time but has discussed with a representative of the Laguna Beach-Santa Ana line the rental of its equipment, with driver, for 50 cents to 65 cents per mile, or \$5.00 to \$6.50 per hour, depending on the passenger capacity of the bus. He will depend on the lessor to have the required insurance. Applicant offered no estimates of gross revenue or operating expenses. He testified that he would operate one trip per day with any number of passengers. It was not shown that the proposed operation would be compensable.

A financial statement filed with the application shows applicant's total assets and liabilities to be \$26,740.00 and \$10,268.00, respectively, his principal assets consisting of two parcels of real property valued by him at \$24,000.00. His current assets and liabilities are \$2,740.00 and \$1,268.00, respectively.

Applicant is at present employed as night supervisor of the Yellow Cab Company in Santa Ana. He has no previous experience in the operation of a public sight-seeing service by motor vehicle, and does not propose to personally conduct or drive any of the tours. He testified that he would train the drivers sent to him by the lessor and explain the points of interest to be pointed out en route and the stops to be made. It was not explained how or when this would be done in the event that new or inexperienced drivers were assigned by the lessor.

Applicant called four public witnesses in support of his application. All were owners and/or managers of motels in the immediate vicinity of Disneyland. One testified that her motel is now served by protestant; that applicant's proposed service is similar to that now available; that applicant offered a variety of tours in addition to the Hollywood-Beverly Hills tour; that she was interested in more service such as applicant is proposing. Another witness testified that protestant will, on request, pick up her guests but they must cross the street to board the bus. A third witness testified that protestant stops at her motel in the summer but not in the winter. The fourth witness testified that protestant's closest stop is 500 feet

from his motel, whereas applicant is proposing a stop at his front door.

Tanner Motor Tours, Ltd., protestant, presented evidence of its present operating authority which includes sight-seeing tours throughout Southern California, including two tours between Disneyland and the Hollywood-Beverly Hills area; of its equipment consisting of numerous deluxe-type buses, several of which are available for tours from the Disneyland area; of its daily schedule and its fares which are lower than those proposed by applicant.

Protestant's general traffic manager testified that protestant company operates at least two deluxe-type sight-seeing buses from Disneyland and nearby motels for the accommodation of summer tourists, and one such bus during the winter season; that it has approximately fourteen pickup points in the said area; that protestant is rendering a convenient sight-seeing service between Disneyland and the Hollywood-Beverly Hills area and will provide additional service if necessary. The manager of protestant's Disneyland office testified that all motels in the area are furnished with protestant's tourist travel information; that pickups are made at many motels in addition to the regular scheduled stops whenever advance arrangements are made; that 18,000 tours from the Disneyland area were sold in 1962, and that complaints average two or less per month.

Based upon the evidence the Commission finds and concludes that:

1. Applicant has not shown his ability to establish and operate a passenger stage service as proposed, nor that the

proposed operation would be compensable or in the public interest.

2. Protestant, Tanner Motor Tours, Ltd., is at present providing a similar and satisfactory service.

3. Applicant has failed to establish that public convenience and necessity require the passenger stage service as herein proposed.

O R D E R

IT IS ORDERED that Application No. 45040 of E. W. McGinnis is denied.

The effective date of this order shall be twenty days after the date hereof.

Dated at Los Angeles, California, this 7th day of May, 1963.

George L. Grover
President

Frederick B. Holoboff

William W. Bennett

Commissioners

Commissioner Everett C. McKeage, being necessarily absent, did not participate in the disposition of this proceeding.