

ORIGINAL

Decision No. 72454

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the Application of)
A & A TOURS, INC. for a certificate)
of public convenience and necessity)
to operate a Passenger and Express)
Baggage service between Santa Barbara)
and Solvang, California.)

Application No. 49077
(Filed January 12, 1967)

O P I N I O N

A & A Tours, Inc. (applicant) is a California corporation. Its articles of incorporation were filed with the Secretary of State of California on July 21, 1966. It was formed primarily to engage in the business of conducting travel tours by automobile and bus. Its directors are Anthony Marquette, Arthur L. Melni and Jack Doherty.

Applicant requests authorization to institute and conduct operations as a passenger stage sightseeing service in the Santa Barbara-Solvang area. It presently does not possess Commission authority to transport passengers within the state but Anthony Marquette operates the "See Santa Barbara" sightseeing tours and Arthur L. Melni is a school bus contractor doing business as "Melni Bus Service." Applicant owns a 39-passenger bus which it proposes to use in the service and has available as standby equipment two 41-passenger buses. A round-trip fare of \$5.65 for adults and \$3.00 for children under 12 will be charged with a minimum of four passengers. Groups of 15 or more persons will be charged a group rate of \$3.50 per person. The service is to be

provided on a once-a-week schedule with additional trips if needed. The round trip will be approximately 80 miles and will require approximately six hours.

Applicant alleges that it receives many inquiries from tourists about public transportation between Santa Barbara and Solvang and states that there is none.

The only possible competing carrier, Western Greyhound Lines, has advised the Commission it has no objection to the proposal. The Division of Highways of the Department of Public Works of California was served with a copy of the application and has not indicated any objection to the proposal.

The Commission finds that:

1. Applicant has the experience, equipment and financial resources to institute and maintain the proposed service.
2. Public convenience and necessity require that the application be granted as set forth in the ensuing order.
3. A public hearing is not necessary.

The Commission concludes that the application should be granted.

A & A Tours, Inc. is hereby placed on notice that operative rights, as such, do not constitute a class of property which may be capitalized or used as an element of value in rate fixing for any amount of money in excess of that originally paid to the State as the consideration for the grant of such rights. Aside from their purely permissive aspect, such rights extend to

the holder a full or partial monopoly of a class of business over a particular route. This monopoly feature may be modified or canceled at any time by the State, which is not in any respect limited as to the number of rights which may be given.

O R D E R

IT IS ORDERED that:

1. A certificate of public convenience and necessity is hereby granted to A & A Tours, Inc. to operate as a passenger stage corporation, as defined in Section 226 of the Public Utilities Code, between the points and over the routes set forth in Appendix A attached hereto and made a part hereof.

2. In providing service pursuant to the certificate herein granted, applicant shall comply with and observe the following service regulations:

- (a) Within thirty days after the effective date hereof, applicant shall file a written acceptance of the certificate herein granted. Applicant is placed on notice that, if it accepts the certificate of public convenience and necessity herein granted, it will be required, among other things, to comply with and observe the safety rules of the California Highway Patrol, the rules and other regulations of the Commission's General Order No. 98-A and insurance requirements of the Commission's General Order No. 101-B. Failure to comply with and observe the safety rules, or the provisions of General Orders Nos. 98-A or 101-B, may result in a cancellation of the operating authority granted by this decision.
- (b) Within one hundred twenty days after the effective date hereof, applicant shall establish the service herein authorized and file tariffs and timetables, in triplicate, in the Commission's office.

- (c) The tariff and timetable filings shall be made effective not earlier than ten days after the effective date of this order on not less than ten days' notice to the Commission and the public, and the effective date of the tariff and timetable filings shall be concurrent with the establishment of the service herein authorized.
- (d) The tariff and timetable filings made pursuant to this order shall comply with the regulations governing the construction and filing of tariffs and timetables set forth in the Commission's General Orders Nos. 79 and 98-A.
- (e) Applicant shall maintain its accounting records on a calendar year basis in conformance with the applicable Uniform System of Accounts or Chart of Accounts as prescribed or adopted by this Commission and shall file with the Commission, on or before March 31 of each year, an annual report of its operations in such form, content, and number of copies as the Commission, from time to time, shall prescribe.

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

Dated at San Francisco, California, this 23rd day of MAY, 1967.

John E. Mitchell
President

William W. Bennett

Augusta

William J. ...

Thos. P. Morrissey
Commissioners

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY

Showing passenger stage operative rights, restrictions, limitations, exceptions, and privileges applicable thereto.

All changes and amendments as authorized by the Public Utilities Commission of the State of California will be made as revised pages or added original pages.

Issued under authority of Decision No. 72454,
dated MAY 23, 1967, of the Public Utilities
Commission of the State of California, in Application No. 49077.

SECTION 1 GENERAL AUTHORIZATIONS, RESTRICTIONS,
LIMITATIONS AND SPECIFICATIONS.

A & A Tours, Inc., by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to transport passengers for sightseeing purposes commencing in the City of Santa Barbara, through sections of Santa Barbara County and returning to the City of Santa Barbara, over and along the route hereinafter described, subject to the following conditions and restrictions:

- (a) When route descriptions are given in one direction they apply to operations in either direction unless otherwise indicated.
- (b) Service shall be limited to the transportation of round-trip passengers only, originating and terminating in the City of Santa Barbara.
- (c) Service shall be operated on a regular schedule basis, subject to a minimum of 4 passengers.

SECTION 2 ROUTE DESCRIPTION

Commencing in the City of Santa Barbara, at 1934 De La Vina Street, thence via city streets, U. S. Highway 101, California State Highway 154 (San Marcos Pass Road), through the community of Santa Ynez, return to California State Highway 154, thence to California State Highway 246, to Solvang. Leaving Solvang via State Highway 246, U. S. Highway 101 to frontage road leading to Nojoqui Falls (weather permitting), thence along Alisal Road to U. S. Highway 101, to Dos Pueblos Orchid Ranch (weather permitting), return to U. S. Highway 101 to point of beginning.

Issued by California Public Utilities Commission.

Decision No. 72454, Application No. 49077.