

**ORIGINAL**

Decision No. 74421

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of THE GRAY LINE TOURS COMPANY, a corporation, for a certificate of public convenience and necessity as a passenger stage corporation, in consolidation of and in lieu of its existing authority.

Application No. 49177  
(Filed February 28, 1967;  
Amended August 31, 1967)

In the Matter of the Application of THE GRAY LINE TOURS COMPANY for a certificate of public convenience and necessity to operate as a passenger stage corporation.

Application No. 49980  
(Filed January 30, 1968;  
Amended March 18, 1968)

Berol, Loughran & Geernaert, by Bruce R. Geernaert, for applicant.  
James E. Lyons, for Airport Service, Airport Coach Service, Orange Coast Sightseeing Company, M & M Charter Lines, and California Sightseeing Tours, Inc.; Milton McKay, by Howard C. Beardsley, for Southern California Rapid Transit District; Robert W. Russell, by Kenneth E. Cude, for City of Los Angeles; interested parties.  
Fred G. Ballenger, for the Commission staff.

INTERIM ORDER

Application No. 49980 is one in which The Gray Line Tours Company (hereinafter called Gray Line) seeks authority to serve an arena in Inglewood known as The Forum from various areas in Southern California. Application No. 49980 was filed while Application No. 49177 was in the course of public hearings, which have not yet been concluded. Application No. 49177 is one in which Gray Line seeks an in lieu certificate of public convenience and necessity as a passenger stage corporation for its sight-seeing operations and for additional sight-seeing operating authority. Both applications were assigned to

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Examiner Jarvis, who ordered Application No. 49980 consolidated for hearing with Application No. 49177 because of the interrelationship of factual and legal matters raised by the applications.

Application No. 49980 also requests temporary authority to serve The Forum on the ground that The Forum had scheduled several events which would require the special express passenger service proposed by Gray Line; that one of the events is the Ringling Brothers Circus scheduled for July 23, 1968 and that The Forum had made a commitment to the circus that express passenger service would be available for its performance.

Application No. 49980 was filed on January 30, 1968. Examiner Jarvis directed that, in addition to the persons originally served, a copy of the application be served on all persons who had filed appearances in Application No. 49177. On February 13, 1968, Gray Line filed a notification that such service had been made. The Southern California Rapid Transit District notified the Commission that unless certain restrictive amendments were made it would protest Application No. 49980. On February 21, 1968, Greyhound Lines, Inc., which at that time was a protestant in Application No. 49177 filed a request that Applications Nos. 49177 and 49980 be consolidated for hearing. On March 18, 1968, Gray Line filed an amendment to Application No. 49980. As indicated, Examiner Jarvis ordered the matters consolidated for hearing.

At the public hearing on March 22, 1968, which dealt primarily with Application No. 49177, Examiner Jarvis indicated that, in the light of the allegations in Application No. 49980 relating to the need for service to the Ringling Brothers Circus performance at The Forum, he would receive evidence dealing with Gray Line's proposed service to that event so that the Commission might consider

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whether an ex parte interim order should be issued authorizing service for that event. Counsel for Gray Line, however, was not satisfied with the Examiner's ruling and attempted to broaden the issues of what should be considered. In the circumstances, the Examiner ruled that no further evidence would be taken at that time on Application No. 49980 but that days of hearing dealing solely with Application No. 49980 would be calendared. On April 1, 1968, the Southern California Rapid Transit District notified the Commission that it supported the Examiner's order for a public hearing on all phases of Application No. 49980 and requested notice of such hearing. The matter was subsequently placed on the Commission's Calendar for July 10 and 11, 1968.

A duly noticed public hearing was held in these consolidated matters on July 10, 1968, at Los Angeles. It was limited to matters dealing with Application No. 49980. It was stipulated by the parties that because of the illness of Examiner Jarvis, Examiner DeWolf could preside in his stead.

None of the parties who appeared at the hearing entered an appearance as a protestant to Application No. 49980. On June 5, 1968, Greyhound Lines, Inc., The Gray Line, Inc. (a different operator than the applicant herein) and California Parlor Car Tours Company filed in Application No. 49177 a stipulation entered into between them and Gray Line in which they agreed to change their appearances in Application No. 49177 from protestants to interested parties and indicated that they had "no objection to the disposition of Application No. 49980 on such expedited basis as the Commission may deem proper."

The record indicates that the Ringling Brothers Circus is scheduled to appear at The Forum from July 23, 1968 to August 5, 1968. The Ice Follies is scheduled to appear from September 17, 1968

to October 6, 1968. No other passenger stage corporation has indicated that it is willing to provide express bus service to these events. None of the parties who appeared at the public hearing opposed the granting of temporary authority to serve these events and similar ones which may be held at The Forum in the near future. In the circumstances, the Commission is of the opinion that Gray Line should be granted temporary authority to serve The Forum. In granting such temporary authority the Commission has not considered, and has reserved consideration of the impact of granting the requested authority, if any, on Charter Party Carriers of Passengers; the present and prospective impact, if any, under Section 1032 of the Public Utilities Code on passenger stage corporations and all other factual and legal matters necessary for the final determination of this matter.

The Commission makes the following findings and conclusions.

Findings of Fact

1. The Forum is an arena for spectator events located in Inglewood, California.
2. The Forum has scheduled various events during the remainder of 1968 and in 1969. Gray Line proposes to provide express passenger bus service from various areas in Southern California to said events. No other passenger stage corporation has indicated that it is willing to provide such service.
3. Public convenience and necessity require that Gray Line be granted temporary authority to serve said events as hereinafter provided.
4. Gray Line has the ability to conduct operations under said temporary authority.

Conclusions of Law

Gray Line should be granted temporary authority to serve The Forum from various areas in Southern California at the rates hereinafter indicated.

IT IS ORDERED that:

1. The Gray Line Tours Company is hereby awarded a temporary certificate of public convenience and necessity to operate as a passenger stage corporation for the purpose only of conducting express passenger bus service from the following territories, as defined in Items Nos. 100, 105, 110, 115, 120, 125, 130, 135, 140, 145, 150, 160, 165, 170, 180 and 185 of Appendix A of Decision No. 61715, Beverly Hills Territory, Burbank Territory, Colton Territory, Culver City Territory, Disneyland Territory, Eagle Rock Territory, Glendale Territory, Hollywood Territory, Long Beach Territory, Los Angeles Territory, North Hollywood Territory, Pasadena Territory, Riverside Territory, San Bernardino Territory, Santa Monica Territory and Westwood Village Territory, on the one hand, and all points adjacent to The Forum, Inglewood, California, necessary and convenient to discharging and picking up passengers attending sporting events, special events and other public gatherings in The Forum, on the other hand. Such service is authorized only on a day when there is such an event or gathering at The Forum. Unless otherwise provided by further order of this Commission, the operating authority granted by this ordering paragraph shall expire on March 1, 1969.

2. The Gray Line Tours Company is authorized to charge for service rendered under ordering paragraph 1 of this order the following round trip fares:

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<u>From The Forum and Return to:</u>	<u>Fare</u>
Beverly Hills Territory	\$ 2.00
Burbank Territory	2.75
Colton Territory	4.25
Culver City Territory	2.25
Disneyland Territory	3.50
Eagle Rock Territory	2.75
Glendale Territory	2.75
Hollywood Territory	2.00
Long Beach Territory	2.75
Los Angeles Territory	2.00
North Hollywood Territory	2.75
Pasadena Territory	2.75
Riverside Territory	4.25
San Bernardino Territory	4.25
Santa Monica Territory	2.25
Westwood Village Territory	2.25

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3. While operations are conducted under the authority of ordering paragraph 1 of this order, The Gray Line Tours Company is authorized to put in effect the timetable set forth in Exhibit 83 in consolidated Applications Nos. 49177 and 49980 and by this reference made a part hereof.

4. In providing service pursuant to the certificate herein granted, applicant, The Gray Line Tours Company, shall comply with and observe the following service regulations. Failure so to do may result in a cancellation of the operating authority granted by this decision.

- (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.
- (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 one day after the effective date of this order on not less than one day's 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 the date hereof.

Dated at San Francisco, California, this  
19th day of JULY, 1968.

William Lyons Jr.  
President

William Lyons Jr.  
Robert E. Lyons

Shed P. Morrison  
Commissioners

Commissioner A. W. Gatov, being necessarily absent, did not participate in the disposition of this proceeding.