

b7h *

ORIGINAL

Decision No. 77012

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of R. E. Fawcett, dba Holiday Lines, for certificate of public convenience and necessity to operate sightseeing tour service by motor coach (bus) for the transportation of persons over irregular routes, beginning and ending at points within an area of service whose approximate boundaries are: NORTH - U.S. 66; SOUTH - Pomona Frwy.; EAST - Milliken Avenue; WEST - Grand Avenue, and extending to points in San Luis Obispo, Ventura, Los Angeles, Orange, San Diego, and Santa Barbara Counties, California.

Application No. 51393
(Filed September 24, 1969)
(Amendment Filed
January 8, 1970)

Donald Murchison, for applicant.
John L. Hughes, for The Gray Line,
interested party.
William H. Well, for the Commission
staff.

O P I N I O N

A public hearing on the above entitled application, as amended, was held before Examiner Rogers in Pomona, on February 4, 1970 and the matter was submitted. Prior to the hearing, notice was served on all possible interested individuals, cities, counties, companies and/or agencies. There were no protests.

Applicant requests authorization to institute and conduct operations as a passenger stage corporation for the transportation

of passengers on scheduled round trip sightseeing tours originating and terminating in an area described as follows (Exhibit No. 3):

Beginning at the intersection of Foothill Blvd. and Grand Avenue in the City of Glendora; thence southerly along Grand Avenue to Workman Avenue; thence westerly along Workman Avenue to Barranca Street; thence southerly along Barranca Street to Cameron Avenue; thence westerly along Cameron Avenue to Azusa Avenue; thence southerly on Azusa Avenue to the Pomona Freeway; thence easterly along the Pomona Freeway to Milliken Avenue; thence northerly along Milliken Avenue and its imaginary extension to U.S. Highway No. 66; thence westerly along U.S. 66 to Amelia Avenue in Glendora; thence northerly along Amelia Avenue to Foothill Blvd.; thence westerly along Foothill Blvd. to the point of beginning (Foothill Blvd. and Grand Avenue).

Applicant will make pickup stops at the following points in said area at the start of service:

<u>CITY</u>	<u>LOCATION</u>
Pomona	Bob's Big Boy Restaurant 200 West Holt
Ontario	Thunderbird Restaurant Mt. Ave. and San Ber. Frwy.
Ontario	Holiday Inn Motel Vineyard Ave. and San Ber. Frwy. *Passengers will be shuttled to Thunderbird Restaurant
Montclair	Van De Camp's Restaurant Central Ave. and Morenc St.
Claremont	Howard Johnsons Restaurant Indian Hill Blvd. and San Ber. Frwy.
La Verne	Winchels Doughnuts Bonita and D Street
San Dimas	San Dimas City Hall 200 E. Bonita
Glendora	Winchels Doughnuts 145 W. Alhambra Ave.
Covina	Winchels 1013 N. Grand Ave.

Places of pickup may be changed if conditions warrant.

Reservations will be required.

Thirteen packaged tours are proposed (Exhibit No. 8) with arrangements for admission fees and hotel accommodations (Tour No. 12) where necessary or desired by customers. These tours and the proposed fares are as follows:

Tour No. and Name	Days Scheduled	Fares		
		Adults	Junior*	Child*
1. Universal Studios, Hollywood, Farmers Market	Sunday	\$6.25	\$5.50	\$3.25
2. Marineland, Ports of Call Village	Thursday	5.75	4.75	3.00
3. Ports of Call Village & L.A. Harbor Cruise	Thursday	5.75	4.75	3.00
4. Knotts Berry Farm, Japanese Deer Park or Knotts Berry Farm, Movieland Wax Museum	Friday, Saturday (N) (D)	5.50	4.50	3.00
5. Disneyland	Friday, Saturday (N) (D)	5.50	4.50	3.00
6. Tour No. 6 stricken)				
7. Los Angeles Zoo and Busch Gardens	Tuesday	5.50	4.50	3.00
8. Dodger Stadium and Los Angeles Civic Center	(Day & time of game)	3.50	3.50	3.00
9. N.B.C. Television Studio, Hollywood Bowl, Grauman's Chinese Theatre, Will Rogers State Park	Wednesday	6.25	5.25	3.25
10. San Diego, Coronado Island, Sea World, San Diego Zoo	Saturday	12.75	11.75	6.50
11. Hollywood & L A	Monday	5.75	4.75	3.00
12. Santa Barbara, Solvang, Hearst Castle	Tuesday** (Two days)	15.50	14.50	8.50
13. Los Angeles Night Tour	Tuesday (N)	5.00	4.00	3.00
14. L A County Arboretum	Friday	5.00	4.00	3.00

** Hearst Castle Tour - Lodging extra
(N) Night (D) Day

* Child rate applies to ages 5 years through 11 years
Junior rate applies to ages 12 through 17 years

Applicant will use two 39-passenger air conditioned diesel powered buses in performing the service. These buses will be leased from a bus leasing company. They have reclining seats but no toilets. Stops will be made as needed. If the applicant leases the buses his claimed break even point will be 15 passengers. If the business prospers applicant will purchase the same equipment. In that event his claimed break even point will be 11 passengers. While applicant is leasing the buses his cost per mile will be 34 cents. The average length of his trips will be 120 miles.

Applicant, as a lessee of buses, will have insurance in the amount of \$1,400,000 for public bodily injury liability and \$200,000 for property damage liability (Exhibit No. 6).

Applicant values his current assets at \$9,275 and his fixed assets at \$52,375. His current liability amounts to \$525, and his fixed liabilities amount to \$20,000. His claimed net worth is \$41,125 (Exhibit No. 7).

Applicant has been operating trucks and passenger stages as a driver for eight years.

In support of the request, applicant testified that there is no competitive service to or from his origin area and that there has been a great population growth in the origin area between 1960 and 1970 (Exhibits Nos. 9, 10 and 12).

Public Evidence

The Cities of San DÍmas and Montclair have advised the Commission that they support the application. The City of Ontario has no objection to the proposal. The remaining cities in the pick up area received copies of the application and notice of the hearing and remained silent.

A witness representing the World Travel Service of Pomona, Inc., testified that there has been a tremendous industrial growth in the origin area in the past 21 years; that in the year 1969 the industry expanded 30 percent over the year 1968; that he gets business by advertising and also contacts companies, organizations and senior citizens in the area; that he gets 15 to 20 requests per month for such service as the applicant proposes; and that, at present, anyone desiring such trips from the proposed service area must go into Los Angeles (5th and Main Streets) and then take a The Gray Line bus. The witness further stated that there are approximately 40 other travel agencies in the proposed pickup area who have similar requests. The witness was of the opinion that the public needs the proposed service.

The area manager for Continental Air Lines testified that this company commenced scheduled flights between the Ontario Airport and Denver and Chicago in June, 1969; that Continental now carries 2,800 passengers per month between such points in and out of Ontario; that the growth around Ontario in 22 years has been phenomenal; and that about one percent of the passengers to Ontario inquire about such services as applicant proposes. The witness further stated that there are many older retired people in Anaheim and Fullerton who would use the proposed services. The witness added that Continental, Air California, Air West, Western and Golden West (local) all have flights in and out of the Ontario International Airport, which can handle all planes, including the giant new 747's.

Applicant's counsel proposed to produce eight more witnesses to the same effect as the two who testified but the examiner stated that such evidence would be cumulative and unnecessary. We concur with this ruling.

Findings

On the record, we find that:

1. Applicant has the experience, equipment and financial resources to institute and maintain the proposed service.
2. Applicant's proposed service will not compete with any other carrier and will provide a convenient and necessary transportation service originating and terminating in the proposed area of origination.
3. Public convenience and necessity require that the proposed service be established.

It is concluded that the application should be granted.

R. E. Fawcett 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 these rights. Aside from their purely permissive aspect, such rights extend to the holder a full or partial monopoly of a class of business. 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 granted to R. E. Fawcett authorizing him to operate as a passenger stage corporation, as defined in Section 226 of the Public Utilities Code between the points and over the routes particularly 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. Failure to do so 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 he 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-C.
- (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 31st day of MARCH, 1970.

William J. Lyons Jr.
President

William J. Lyons Jr.

William J. Lyons Jr.

William J. Lyons Jr.
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. **77012**
dated March 31, 1970, of the Public Utilities
Commission of the State of California, on Application No. 51393.

INDEX

	<u>Page No.</u>
SECTION 1. GENERAL AUTHORIZATIONS, RESTRICTIONS, LIMITATIONS, AND SPECIFICATIONS	3
SECTION 2. SERVICE AREAS	4
SECTION 3. ROUTE DESCRIPTIONS	
Tour No. 1 - Universal Studio-Hollywood-Farmers Market..	5
Tour No. 2 - Marineland-Ports of Call Village	5
Tour No. 3 - Ports of Call Village-L.A. Harbor Cruise ..	5
Tour No. 4 - Knott's Berry Farm-Japanese Deer Park- MovieLand Wax Museum	5
Tour No. 5 - Disneyland	5
Tour No. 7 - Los Angeles Zoo-Busch Gardens	5
Tour No. 8 - Dodger Stadium-Los Angeles Civic Center ...	5
Tour No. 9 - NBC Television Studio-Hollywood Bowl- Grauman's Chinese Theater-Will Rogers State Park	5
Tour No. 10- San Diego City-Coronado-Seal World- San Diego Zoo	6
Tour No. 11- Hollywood-Los Angeles	6
Tour No. 12- Santa Barbara-Solvang-Hearst Castle-Morro Bay	6
Tour No. 13- Los Angeles Night Tour	6
Tour No. 14- Los Angeles County Arboretum-Huntington Library-San Gabriel Mission	6

Issued by California Public Utilities Commission.

Decision No. 77012. Application No. 51393.

SECTION 1. GENERAL AUTHORIZATIONS, RESTRICTIONS,
LIMITATIONS, AND SPECIFICATIONS.

R. E. Fawcett by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to conduct a sightseeing service for the transportation of passengers between certain service areas as hereinafter set forth, on the one hand, and points of interest in various counties in Southern California, on the other hand, over and along the routes hereinafter described, subject to the following conditions and restrictions:

- (a) Motor vehicles may be turned at termini and intermediate points, in either direction, at intersections of streets or by operating around a block contiguous to such intersections in accordance with local traffic regulations.
- (b) When route descriptions are given in one direction, they apply to operation in either direction unless otherwise indicated.
- (c) All service herein authorized shall be limited to the transportation of round-trip passengers only.
- (d) Applicant shall not pick up or discharge passengers except within the limits of the specified service areas as hereinafter set forth. This restriction shall not prevent stopovers for the purpose of permitting sightseeing passengers to visit various points of interest along the route.

Issued by California Public Utilities Commission.

Decision No. 77012, Application No. 51393.

SECTION 2. SERVICE AREA.

Passengers may be picked up and discharged at any point within the following service area, subject to local traffic regulations:

Beginning at Foothill Blvd. and Grand Ave., Glendora, thence via Grand Ave., Workman Ave., Barranca St., Cameron Ave., Azusa Ave., Pomona Freeway (U.S. 60), Milliken Ave. and its prolongation to Foothill Blvd., (U.S. 66), thence Foothill Blvd., Amelia Ave., and Foothill Blvd. to Grand Ave., point of beginning.

Issued by California Public Utilities Commission.

Decision No. 77012, Application No. 51393.

SECTION 3. ROUTE DESCRIPTIONS.

All routes shall commence at any point in the Service Area described in Section 2 hereof, thence via appropriate public streets and highways to the points and places shown below, with stops to be made to permit passengers to tour such points and places as indicated. On the return trips to said Service Area, sightseeing service shall be provided over appropriate public streets and highways to the point of beginning.

Tour No.

- 1 - Universal Studio - Hollywood - Farmers Market, with stops at Universal Studio, Grauman's Chinese Theater and Farmers Market.
- 2 - Marineland - Ports of Call Village, with stops at Marineland of the Pacific, on Palos Verdes Peninsula, and Ports of Call Village, San Pedro.
- 3 - Ports of Call Village - L.A. Harbor Cruise, with stop at Ports of Call Village, San Pedro, to include shipboard cruise of Los Angeles and Long Beach Harbors as performed by regular cruise operator.
- 4 - Knott's Berry Farm - Japanese Deer Park - Movieland Wax Museum, with stops at each of these points.
- 5 - Disneyland, with stop at that point.
- 7 - Los Angeles Zoo and Busch Gardens, with stops at both points, including sightseeing service through Griffith Park, Los Angeles.
- 8 - Dodger Stadium - Los Angeles Civic Center, with stop at Dodger Stadium for touring or viewing game.
- 9 - NBC Television Studio - Hollywood Bowl - Grauman's Chinese Theater - Will Rogers State Park, with stops at NBC Television Studio, 3000 Alameda Avenue, Burbank, and at Hollywood Bowl and Grauman's Chinese Theater, thence via appropriate public streets and highways to Will Rogers State Park, performing sightseeing service through the Hollywood and Beverly Hills areas. A stop will be made at Will Rogers State Park to permit passengers to tour that point.

Issued by California Public Utilities Commission.

Decision No. 77012, Application No. 51393.

SECTION 3. (continued)

Tour No.

- 10 - San Diego City - Coronado - Sea World, San Diego - San Diego Zoo, with stops being made at each of such points.
- 11 - Hollywood and Los Angeles, performing sightseeing service within the City of Los Angeles, with stops being made at Hollywood Bowl, Grauman's Chinese Theater and Farmers Market.
- 12 - Santa Barbara - Solvang - Hearst Castle - Morro Bay, with stops being made at each of such points.
- 13 - Los Angeles Night Tour, within the City of Los Angeles, with stops being made at Olivera Street, Music Center, and Grauman's Chinese Theater. Sightseeing service shall also be performed along Hollywood Freeway, Sunset Boulevard, Vine Street, Hollywood Boulevard, Laurel Canyon Boulevard and Mulholland Drive.
- 14 - Los Angeles County Arboretum at Arcadia - Huntington Library - San Gabriel Mission, with stops being made at each point.

Issued by California Public Utilities Commission.

Decision No. 77012, Application No. 51393.