

ORIGINAL

Decision No. 77732

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of THE GRAY LINE TOURS)
COMPANY for authority to provide)
sightseeing service between points)
within the corporate limits of the)
Cities of Los Angeles, Beverly)
Hills, Santa Monica, Glendale,)
Pasadena and Long Beach, and Lion)
Country Safari in Orange County.)

Application No. 51941
(Filed June 5, 1970;
Amended July 16, 1970)

Loughran, Berol & Hegarty by Frank Loughran,
for applicant.
James H. Lyons, for California Sightseeing
Tours, Inc.; and R. W. Russell by K. D.
Walpert, for City of Los Angeles,
interested parties.
William H. Well, for the Commission staff.

O P I N I O N

This is an application by The Gray Line Tours Company (hereinafter referred to as Gray Line) seeking authority to serve the Lion Country Safari, Orange County, from Beverly Hills, Glendale, Long Beach, Pasadena, Santa Monica and Los Angeles.

A duly noticed public hearing was held in this matter before Examiner Jarvis in Los Angeles on July 16, 1970. The matter was submitted subject to the filing of a late-filed exhibit which was received on July 24, 1970.

Lion Country Safari is a 500-acre simulated African veldt which contains lions and other African wildlife roaming free in their natural habitat. Visitors drive through the "game preserve" area in cars or buses, with windows closed over an 8-mile "jungle trail". In addition to the "game preserve" area there is also an "entertainment area", "jungle river ride" and "Children's safari".

A "treetops restaurant" and other additional attractions are contemplated.

The broad request for additional operating authority by Gray Line made in Application No. 49177, currently under submission, encompasses the area in which Lion Country Safari is located. Lion Country Safari opened in early Summer 1970 and was not operating during the time when hearings on consolidated Applications Nos. 49177, 49980 and 50434 were held. In the circumstances this application dealing with the specific attraction here involved is appropriate. The Commission is of the opinion that an interim order dealing with the specific issues herein presented would be in the public interest. Since the aforesaid consolidated proceedings involve, in part, a request for the restatement of Gray Line's operating authority in an in-lieu certificate of public convenience and necessity, the final determination of the issues herein presented must be reconciled with the action to be taken in the consolidated proceedings.

Gray Line proposes to institute an all day tour (approximately 8 hours) which would go to the Lion Country Safari and the Japanese Village and Deer Park. The Japanese Village and Deer Park is a reproduction of a Japanese village. It also has special events including a tea ceremony, Japanese dancers, karate show, bear show, and sea theatre show. Gray Line presently has authority to serve the Japanese Village and Deer Park.

Gray Line proposes to offer the tour with or without the prices of admission to the two attractions included. The purpose of offering the tour without the admissions included is to attract the patronage of persons who might have free or discount passes to one or both of the two attractions. Lunch is not included in the

tour. Facilities for snacks or a meal are available at the attractions. The proposed fare, including admissions is as follows: adult \$15.75, junior \$15.00, child (5 to 12 years) \$7.25, and children under 5, not occupying a seat, free.

Gray Line proposes a route from its terminal in downtown Los Angeles over the Santa Ana and Laguna Freeways to the Lion Country Safari. A witness for Gray Line testified that there were no particular scenic attractions along this route. A representative of Lion Country Safari testified in support of the application.

Gray Line proposes a limitation on the proposed service which would, at its option, require a minimum of reservations for at least 10 adult passengers before the service is offered on a particular day. This proposal is inconsistent with Rule 1(b) of Gray Line's tariff which provides that "Unless otherwise provided herein, this company reserves the right to cancel any tour unless four (4) or more tickets have been sold". There is nothing in the record which would justify authorizing a minimum reservation provision different than the general tariff provision.

The Commission makes the following findings and conclusions.

Findings of Fact

1. Public convenience and necessity require that Gray Line be granted temporary authority to serve Lion Country Safari from the following points:

Beverly Hills, which is described as the territory delineated and bounded by the city limits of the City of Beverly Hills.

Glendale, which is described as the territory delineated and bounded by the city limits of the City of Glendale.

Long Beach, which is described as the territory delineated and bounded by the city limits of the City of Long Beach.

Pasadena, which is described as the territory delineated and bounded by the city limits of the City of Pasadena.

Santa Monica, which is described as the territory delineated and bounded by the city limits of the City of Santa Monica.

That portion of the City of Los Angeles, which is described as the territory delineated and bounded by the city limits of the City of Los Angeles except the areas west of California State Highway No. 27; north of California Highway No. 118 between California Highway No. 27 and Zelzah Street; west of Zelzah Street between California Highway No. 118 and Rinaldi Street; north of Rinaldi Street between Zelzah Street and U. S. Highway No. 405; west of U. S. Highway No. 405 between Rinaldi Street and Foothill Boulevard, north of Foothill Boulevard and except that portion of the City of Los Angeles south of Imperial Highway.

2. Gray Line should be authorized to operate the authority between the points heretofore indicated and the authorization shall not confer upon Gray Line any pickup authority or sightseeing authority not specifically herein authorized or authorized by other decisions of the Commission.

3. Gray Line has the ability including financial ability to conduct the service hereinafter authorized.

4. Except as herein specifically authorized said operating authority should be subject to the general rules of Gray Line's tariff.

5. In the event that Gray Line establishes a tour from the points above indicated to Lion Country Safari and the Japanese Village and Deer Park and either attraction is closed on a particular day, Gray Line should be authorized to substitute another point of interest which it is authorized to serve at the basic transportation rate plus any additional admission charges; provided, however, that Gray Line shall offer to cancel the ticket and refund the full price thereof to any ticket holder who was sold a ticket indicating

that he would be given a tour of Lion Country Safari and the Japanese Village and Deer Park and who does not consent to substitution for either point.

6. The following fares, including taxes, are proposed for the tour of approximately 8 hours from the aforesaid points to the Lion Country Safari and Japanese Village and Deer Park:

	<u>Without Admissions</u>	<u>With Admissions</u>
Adult	\$10.00	\$15.75
Junior	10.00	15.00
Child, 5-12 years of age	5.00	7.25
Children under 5, not occupying a seat, free		

Conclusions of Law

1. Gray Line should be granted a temporary certificate of public convenience and necessity to serve the Lion Country Safari, Orange County, from the points more particularly set forth in Appendix A attached hereto and by this reference made a part hereof.

2. The authority granted herein should be subject to revision, change or modification by the Commission in decisions relating to Applications Nos. 49177, 49980 and 50434.

The Gray Line Tours Company 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, these 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 temporary certificate of public convenience and necessity is granted to The Gray Line Tours Company, a corporation, authorizing it, until further order of the Commission, to operate as a passenger stage corporation as defined in Section 226 of the Public Utilities Code, between the points more particularly set forth in Appendix A attached hereto and made a part hereof.

2. The tariff and timetable filings shall be made effective not earlier than two days after the effective date of this order on not less than two 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.

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

Dated at Los Angeles, California, this 15th day of SEPTEMBER, 1970.

[Signature]
Chairman

[Signature]

[Signature]
Commissioners

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

Commissioner Thomas Moran, being necessarily absent, did not participate in the disposition of this proceeding.

TEMPORARY 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. 77732
dated September 15, 1970, 1970, of the Public Utilities
Commission of the State of California, on Application No. 51941.

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

The Gray Line Tours Company, by the temporary certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to transport passengers for sightseeing service from the points hereinafter set forth to the Lion Country Safari, Orange County, with return to the point of origin. Said points are as follows:

Beverly Hills, which is described as the territory delineated and bounded by the City limits of the City of Beverly Hills.

Glendale, which is described as the territory delineated and bounded by the City limits of the City of Glendale.

Long Beach, which is described as the territory delineated and bounded by the City limits of the City of Long Beach.

Pasadena, which is described as the territory delineated and bounded by the City limits of the City of Pasadena.

Santa Monica, which is described as the territory delineated and bounded by the City limits of the City of Santa Monica.

That portion of the City of Los Angeles, which is described as the territory delineated and bounded by the City limits of the City of Los Angeles except the areas west of California State Highway No. 27; north of California Highway No. 118 between California Highway No. 27 and Zelzah Street; west of Zelzah Street between California Highway No. 118 and Rinaldi Street, north of Rinaldi Street between Zelzah Street and U.S. Highway No. 405; west of U.S. Highway No. 405 between Rinaldi Street and Foothill Boulevard, north of Foothill Boulevard and except that portion of the City of Los Angeles South of Imperial Highway.

Issued by California Public Utilities Commission.

Decision No. 77732, Application No. 51941.

This certificate is subject to the following conditions and restrictions:

- a. The authority granted herein does not confer any route authority and does not confer upon The Gray Line Company any pickup or sightseeing authority not specifically herein granted or authorized by other decisions of the Commission.
- b. In providing service pursuant to the certificate herein granted The Gray Line Tours Company may transport passengers from the original point of pickup to a central location which is one of the points herein authorized, there to be combined with passengers from other authorized points of pickup for loading of a tour bus.
- c. In the event The Gray Line Tours Company establishes a tour from the points herein authorized to Lion Country Safari and the Japanese Village and Deer Park and either attraction is closed on a particular day, it may substitute another point of interest which it is authorized to serve at the basic transportation rate authorized in Appendix B plus any additional admission charges; provided, however that The Gray Line Tours Company shall offer to cancel the ticket and refund the full price thereof to any ticketholder who was sold a ticket indicating that he would be given a tour of Lion Country Safari and the Japanese Village and Deer Park and who does not consent to a substituted alternative for either point.
- d. The temporary certificate granted herein is subject to revision, change or modification by subsequent order in Application No. 51941 or in decisions and orders relating to Applications Nos. 49177, 49980 and 50434.

Issued by California Public Utilities Commission.

Decision No. 77732, Application No. 51941.