

Decision No. 85634

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
The Gray Line Tours Company for a
Certificate of Public Convenience
and Necessity to extend operations
as a passenger-stage corporation.

Application No. 55873
(Filed August 18, 1975;
amended December 10, 1975)

O P I N I O N

The Gray Line Tours Company (Gray Line) seeks additional passenger stage corporation operating rights. It presently conducts sight-seeing operations as a passenger stage corporation in Southern California. It holds extensive operating rights. Gray Line seeks authority to institute a sight-seeing tour between Los Angeles and Magic Mountain involving the viewing of additional points of interest en route.

The verified application as amended alleges that Magic Mountain, located near Saugus Junction in Los Angeles County, has developed into a major tourist attraction in the Southern California area and that it would benefit the public and Gray Line if the latter is authorized to institute a service to that point of interest. The attractions proposed to be visited en route are The Hollywood Bowl, Busch Gardens, and the San Fernando Mission, major points of sight-seeing interest which would add to the attractiveness of the proposed tour.

The proposed service would be rendered each day that Magic Mountain is open to the public. Fares proposed to be charged are \$11.30 for adults and reduced fares for children. It is proposed that rules governing service will be as set forth in Decision No. 84749, dated August 5, 1975, in Application No. 54366 where the Commission issued Gray Line an in-lieu certificate restating its theretofore issued sight-seeing authority.

Gray Line attached to the application a balance sheet as of February 28, 1975, a Revenue and Expense Statement for the first two months of 1975, and a list of its operating equipment which would be used in the proposed service. These exhibits indicate that Gray Line has the ability, including the financial ability, to operate the proposed service.

Copies of the application and the first amendment to application were served on Greyhound Lines, Inc.; Wilbur S. Flanigan dba Royal Stage Line; Orange County Transit District; Southern California Rapid Transit District; Airport Coach/Orange Coast Sight-seeing; Stuart Alan Messnick dba The Coordinators; Four Winds Transportation, Inc.; and Town Tour Fun Bus Company, Inc. The only protest which the Commission has received was submitted on behalf of Greyhound. Following the filing of the first amendment to application, this protestant withdrew its opposition to the grant of the application.

Findings

1. A public hearing is not necessary.
2. Magic Mountain is a major tourist attraction in the Southern California area.

3. The Hollywood Bowl, Busch Gardens, and the San Fernando Mission are points of tourist attraction within Southern California.

4. Public convenience and necessity require that Gray Line be granted additional operating authority as hereinafter set forth.

5. Gray Line possesses the desirable experience, necessary equipment, and financial resources to provide the proposed service.

6. The proposed fares are reasonable.

7. It is reasonably certain that the project will not have a significant effect on the environment.

The Commission concludes that the application, as amended, should be granted as set forth in the ensuing order.

The Gray Line Tours Company is 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. 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 The Gray Line Tours Company, a corporation, authorizing it 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 revision of Appendix A of Decision No. 84749 as follows: Appendix A of Decision No. 84749 is further amended by incorporating First Revised Page 6 and Second Revised Page 22 in revision of Original Page 6 and First Revised Page 22, respectively.

2. In providing service pursuant to the authority granted by this order, applicant shall comply with the following service regulations. Failure so to do may result in a cancellation of the authority.

- (a) Within thirty days after the effective date of this order, applicant shall file a written acceptance of the certificate granted. Applicant is placed on notice that if it accepts the certificate it will be required, among other things, to comply with the safety rules administered by the California Highway Patrol, the rules and other regulations of the Commission's General Order No. 98-Series, and the insurance requirements of the Commission's General Order No. 101-Series.
- (b) Within one hundred twenty days after the effective date of this order, applicant shall establish the authorized service 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 authorized service.
- (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-Series and 98-Series.

- (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 30th
day of MARCH, 1976.

William J. Lyons Jr. President
Vernon L. Stetgen
Alan
Commissioners

Robert B. Bahr
Commissioner

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Issued by California Public Utilities Commission.

*Added by Decision No. 85634, Application No. 55873.

Item No.	Tour No.
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SECTION III, Tours Authorized from
Los Angeles Area--Contd.

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| 505 | 33 | <u>Los Angeles to Marineland:</u> From Los Angeles to Marineland and return to Los Angeles along the most convenient or appropriate route. |
| 506 | 34 | <u>Los Angeles to Points of Interest in Anaheim-Buena Park:</u> From Los Angeles over the most appropriate and scenic routes, visiting any three of the following points of interest, and return: Knott's Berry Farm, Japanese Village and Deer Park, Wax Museum, Cars of Stars, Planes of Fame, and Alligator Farm. |
| 510 | | <u>Sunset-Strip Area:</u> The Gray Line Tours Company is authorized to include in the itinerary in one or more of its tours in Section III of this certificate all or a portion of the Sunset Strip Area of Los Angeles County which is that area delineated and bounded by the Los Angeles County limits situated northeast of the City of Beverly Hills. |
| *515 | 35 | <u>Los Angeles to Magic Mountain:</u> Leaving Los Angeles to Magic Mountain and return to Los Angeles along the most convenient or appropriate routes stopping en route for sightseeing purposes at the Hollywood Bowl, Busch Gardens, and the San Fernando Mission. Note: Dependent upon time and traffic conditions, this tour will include a stopover on return at Universal Studios. |

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