

ORIGINAL

Decision 84 03 086

MAR 21 1984

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of TOP DECK AMERICA, INC. for a)
Class B charter bus certificate)
from home terminal in Hollywood,)
Ca.)

Application 83-09-28
(Filed September 12, 1983)

O P I N I O N

Applicant Top Deck America, Inc. seeks a Class B certificate of public convenience and necessity to operate as a charter-party carrier of passengers from a service area with a 40-mile radius from its home terminal at 7188 Sunset Boulevard, Hollywood.

Notice of the filing of this application appeared in the Daily Transportation Calendar of November 15, 1983. No protests were received.

Applicant's personnel have operated motor vehicles in Europe, Kathmandu, Australia, and in the United States and Canada. Applicant operates four 28-passenger double-decker buses on multi-week-long interstate tour operations (under Interstate Commerce Commission authorization No. MC 152686). These custom-built buses are used for normal bus operations and are convertible to provide sleeping, cooking, and entertainment facilities. The 28-passenger capacity is reduced to 22 passengers when the buses are used to provide sleeping accommodations. Applicant is planning to bring in 70-seat Bristol double-decker buses from its European operations.

Applicant proposes to use all of these vehicles for charter operations in California. By letter dated February 6, 1984 (Exhibit 2), applicant states its California charter operations will include transportation services to and from sporting events (including the Olympic Games), parties, and day trips to local places of interest. Applicant proposes to establish hourly and daily rates for its bus charters. Thus far, applicant has been unable to accept numerous requests for local charters.

As of February 6, 1984, applicant's assets totaled \$234,843^{1/} including \$26,715 in current assets and \$200,000 in bus equipment. On that date its liabilities totaled \$5,553.

Applicant estimates interstate tour revenues of \$448,922, expenses of \$304,484, and pretax revenues of \$144,438. Applicant estimates its California charter operations would generate revenues of \$156,000, expenses of \$118,000, and pretax revenues of \$38,000. Applicant's directors, who operate tours in several continents, indicate that they would provide any additional funds needed by applicant.

Findings of Fact

1. Applicant has the fitness, equipment, and financial resources to perform the proposed service.
2. A public hearing is not necessary.
3. Applicant should be authorized to pick up passengers within a radius of 40 air miles from its home terminal at 7188 Sunset Boulevard, Hollywood.

^{1/} The application lists the assets of an affiliated British corporation which formerly controlled applicant's operations. Applicant furnished financial information on its operations and brochures describing its interstate and international operations (Exhibit 1).

4. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

Conclusions of Law

1. Public convenience and necessity require that the requested authority be issued.

2. The following order should be effective today because there is a public need for the proposed service.

O R D E R

IT IS ORDERED that:

1. A certificate of public convenience and necessity, to be renewed each year, is granted to Top Deck America, Inc. authorizing it to operate as a Class B charter-party carrier of passengers, as defined in PU Code Section 5383, from a service area with a radius of 40 air miles from applicant's home terminal at 7188 Sunset Boulevard, Hollywood.

2. Applicant shall:

- a. Obtain California Highway Patrol (CHP) clearance for each vehicle to be used in this Class B charter-party operation.
- b. Notify the Commission and CHP of any addition or deletion of vehicles used in the service prior to use.
- c. Establish the authorized service within 360 days after this order is effective.

3. The Passenger Operations Branch will issue the annual renewable certificate on Form PE-695 as authorized by Resolution PE-303 when it receives CHP clearances and evidence of liability protection in compliance with General Order Series 115.

4. In providing service under the certificate, applicant shall comply with General Orders Series 98 and 115 and the CHP safety rules.

5. This certificate does not authorize the holder to conduct any operations on the property of or into any airport unless such operation is authorized by both this Commission and the airport authority involved.

6. The Class B certificate of public convenience and necessity granted by this order does not authorize round-trip sightseeing-tour service, which is not subject to regulation by this Commission. It does, however, permit applicant to offer charter service to a sightseeing-tour operator.

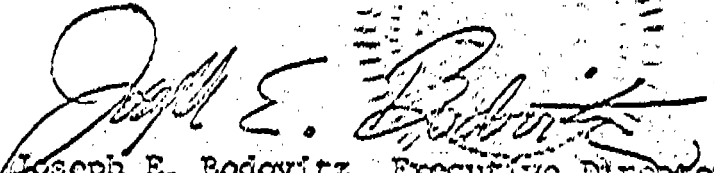
This order is effective today.

Dated MAR 21 1984, at San Francisco, California.

LEONARD M. GRIMES, JR.
President

VICTOR CALVO
FRISCILLA C. GREW
DONALD VIAL
WILLIAM T. BAGLEY
Commissioners

I CERTIFY THAT THIS DECISION
WAS APPROVED BY THE ABOVE
COMMISSIONERS TODAY.


Joseph E. Bodovitz, Executive Director