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Decision 91-11-013 November 6, 1991

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Daniel Boggero and Claudia Boggero dba TOURIST EXPRESS CO. for certificate of public convenience and necessity to operate a Passanger [sic] Stage Corporation service between points in Los Angeles and Orange Counties in [sic] one hand and Queen Mary, Disneyland and Knotts Berry Farm on the other hand.

ORIGINAL

Application 91-06-018 (Filed June 10, 1991)

OPINION

Daniel and Claudia Boggero (applicants), doing business as Tourist Express Co., seek an order under Public Utilities (PU) Code § 1031 granting a certificate of public convenience and necessity to establish and operate a passenger stage for the transportation of passengers (tourists) and baggage between points in the counties of Los Angeles and Orange, on the one hand, and intermediate points enroute to the Queen Mary, Disneyland, and Knotts Berry Farm, on the other hand.

Applicants will operate 3 15-passenger Ford vans in their proposed operations.

Applicants will acquire liability insurance in amounts that meet the minimum requirements under General Order 101-E.

Applicants propose to perform "on-call," scheduled service, seven days per week between the hours of 7:15 a.m. and 12:00 midnight. Applicants will provide a schedule of departures and arrivals at DisneyLand, Knotts Berry Farm, and the Queen Mary. This schedule will also indicate the times a tourist may return to the point of departure (round trip). "On call" means a tourist may call applicants to indicate the scheduled time and point of departure desired. Applicants will operate along its scheduled

route when such a call is received. Twenty-four hour reservations or cancellations will be required. Applicants attached to the application as Exhibit A a map of their proposed service areas. Applicants propose to charge round-trip and one-way rates which are comparable with those of similar services. (Exhibit B.)

Applicants' financial statements indicate a net worth of \$46,800 including cash of \$12,000. (Exhibit C.)

Applicants declare that the availability of this service will benefit the environment and the public by a reduction of private rental vehicles on the roads and highways within the areas to be served. Therefore, the granting of the authority for the operations sought will have no significant adverse effect upon the environment of the areas to be served.

Applicants assert that public convenience and necessity will be served by the granting of this application because the proposed service will decrease highway congestion to and from the Queen Mary, Disneyland, and Knotts Berry Farm. In addition, applicants believe their proposed service is distinct from existing services because it provides round trip scheduled tourist transportation, eliminating the need for tourists to rent cars for touring. Applicants believe many tourists are opposed to renting cars because they do not speak English, do not have valid driver's licenses or do not understand California traffic signs and motor vehicle laws.

Notice of the application was served according to the Commission's rules and was published in the Commission's Daily Calendar on June 17, 1991. No protests have been received. Therefore, a public hearing is not required.

Findings of Fact

1. Applicants have the ability, equipment, and financial resources to perform the proposed service.
2. Public convenience and necessity require the proposed service.

- 3. The rates proposed in the application are reasonable.
- 4. No protest to the application has been received from any public transit operator serving applicants' proposed territory or from any other person or corporation.
- 5. The proposed service will have no significant effect on the environment.

Conclusion of Law

Public convenience and necessity require that the requested certificate be granted.

Only the amount paid to the State for operative rights may be used in rate fixing. The State may grant any number of rights and may cancel or modify the monopoly feature of these rights at any time.

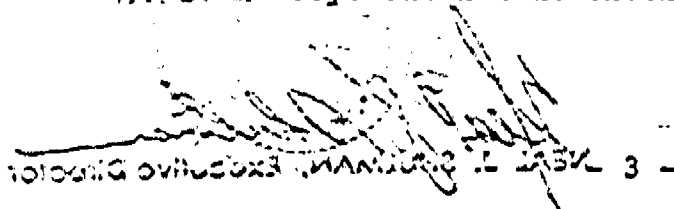
ORDER

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Daniel and Claudia Boggero (applicants), doing business as Tourist Express Co. (applicant), authorizing them to operate as a passenger stage corporation, as defined in Public Utilities (PU) Code § 226, between the points and over the routes set forth in Appendix PSC 7345, to transport persons and baggage.

2. Applicants shall:

- a. File a written acceptance of this certificate within 30 days after this order is effective.
- b. Establish the authorized service and file tariffs and timetables within 120 days after this order is effective.
- c. State in their tariffs and timetables when service will start; allow at least 10 days' notice to the Commission; and make timetables and tariffs effective 10 or more days after this order is effective.



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- d. Comply with General Orders Series 101, 104, and 158, and the California Highway Patrol safety rules.
- e. Maintain accounting records in conformity with the Uniform System of Accounts.
- f. Remit to the Commission the Transportation Reimbursement Fee required by PU Code § 403 when notified by mail to do so.

3. Before beginning service to any airport, applicants shall notify the airport's governing body. Applicants shall not operate into or on airport property unless such operations are also authorized by the airport's governing body.

4. Applicants are authorized to begin operations on the date that the Executive Director mails a notice to applicants that they have evidence of insurance on file with the Commission and that the California Highway Patrol has approved the use of applicant's vehicles for service.

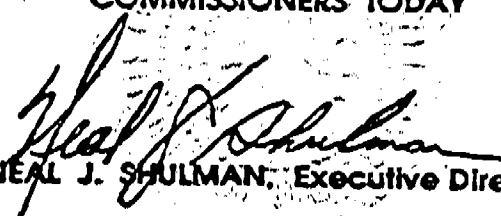
5. Applicants shall comply with PU Code §§ 460.7 and 1043, relating to the Workers' Compensation laws of this state.

- 6. The application is granted as set forth above.
- This order becomes effective 30 days from today.

Dated November 6, 1991, at San Francisco, California.

PATRICIA M. ECKERT  
President  
JOHN B. OHANIAN  
DANIEL Wm. FESSLER  
NORMAN D. SHUMWAY  
Commissioners

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

  
NEAL J. SHULMAN, Executive Director

T/MEE/ebi \*

Appendix PSC-7345

Daniel Boggero  
and  
Claudia Boggero

Original Title Page

CERTIFICATE

OF

PUBLIC CONVENIENCE AND NECESSITY

AS A PASSENGER STAGE CORPORATION

PSC-7345

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Showing passenger stage operative rights, restrictions,  
limitations, exceptions, and privileges.

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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.

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Issued under authority of Decision 91-11-013, dated  
November 6, 1991, of the Public Utilities Commission of the  
State of California in Application 91-06-018.

Appendix PSC-7345

Daniel Boggero  
and  
Claudia Boggero

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Appendix PSC-7345

Daniel Boggero

Original Page

and

Claudia Boggero

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

Daniel Boggero and Claudia Boggero, by the certificate of public convenience and necessity granted by the decision noted in the margin, are authorized to transport passengers and their baggage, on an on-call-scheduled basis, between hotels/motels in the Cities of Anaheim, Buena Park and Long Beach, described in Section 2, on the one hand, and "Disneyland", "Knotts Berry Farm" and the "Queen Mary", on the other hand, over and along the routes described in Section 3, subject, however, to the authority of this Commission to change or modify the routes at any time and subject to the following provisions:

- (a) This certificate does not authorize the holder to conduct any operations on the property of or into any airport.
- (b) When route descriptions are given in one direction, they apply to operations in either direction unless otherwise indicated.
- (c) No passengers shall be transported except those having a point of origin or destination at Disneyland, Knotts Berry Farm or the Queen Mary.
- (d) The term "on-call" as used refers to service which is authorized to be rendered dependent on the demands of passengers. The tariffs and timetables shall show the conditions under which each authorized on-call-scheduled service will be provided, and shall include the description of the specific scheduled stops.

SECTION 2. SERVICE AREA DESCRIPTIONS.

San Diego County

Hotels/motels within the geographical limits of the following postal zip code communities:

<u>City</u>	<u>Postal Zip Codes</u>
Anaheim	92802
Buena Park	90620, 90621
Long Beach	90801, 90802, 90813

The above postal zip codes generally include but are not limited to the communities surrounding Disneyland, Knotts Berry Farm and the Queen Marry.

SECTION 3. ROUTE DESCRIPTIONS

On-call-scheduled service

- Route 1. Commencing at Disneyland, then via the most convenient streets and highways to specific scheduled stops at hotels/motels within the Buena Park and Long Beach service areas described in Section 2.
- Route 2. Commencing at Knotts Berry Farm, then via the most convenient streets and highways to specific scheduled stops at hotels/motels within the Anaheim and Long Beach service areas described in Section 2.
- Route 3. Commencing at the Queen Mary, then via the most convenient streets and highways to specific scheduled stops at hotels/motels within the Buena Park and Anaheim service areas described in Section 2.

Issued by California Public Utilities Commission.

Decision 91-11-013, Application 91-06-018.