

Decision

82 01 93

JAN 19 1982

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 RONI L. WILLIAMS for a certificate )  
 of public convenience and necessity )  
 authorizing the applicant to operate )  
 a passenger stage service, with )  
 sightseeing tours available to the )  
 public on a per capita, on-call )  
 basis beginning and ending within a )  
 40 air-mile radius of Fort Bragg, )  
 California and traveling to tourist )  
 attractions within the state of )  
 California. )

Application 60823  
(Filed August 17, 1981)

O P I N I O N

Roni L. Williams seeks a certificate of public convenience and necessity under Public Utilities (PU) Code §§ 1031 et seq. to operate a passenger sightseeing service. She proposes to offer individual-fare, on-call bus tours beginning and ending within a 40 air-mile radius of Fort Bragg, California. These tours will be offered to the public for compensation. The actual transportation will be provided by a charter-party carrier operating under separate authority from this Commission. Tours will last one to five days, depending on public demand. The tours will not be offered year-round, but only during seasons most appropriate for group touring of the attractions selected. Advance reservations will be required and any trip will be canceled unless 36 people make reservations. Applicant proposes to charge a fare directly related to the cost, including charter charges; admissions to events and attractions, lodging, and meals will be added when applicable.

Applicant presently proposes to charter the buses from B & H Transportation Company (TCP 27-B) in Fort Bragg. It is alleged that applicant will maintain supervision, direction, and control of the drivers as required by Commission General Order Series 98, Part 12.

Applicant contends that no other service similar to the one proposed is available in Fort Bragg and adjacent communities except from operators based outside of the origin territory.

Applicant alleges that she is particularly capable of performing the proposed services, since she has had five years' experience as a tour guide with the B & H Transportation Company. This has provided experience in all aspects of arranging and selling transportation.

Applicant asserts that granting the application will have no negative environmental effect; rather, it will allegedly benefit the environment by reducing use of private automobiles for sightseeing purposes. Notice of the filing appeared in the Commission's Daily Calendar of August 20, 1981. Greyhound Lines, Inc. was served. No protests have been received. In the absence of protest no public hearing is required. The certificate which we will issue gives applicant only the authority she has asked for and has described in her application. Applicant may apply for additional routes at any time she wishes.

During the pendency of this application we issued a significant decision in another proceeding (App. of Western Travel Plaza, Inc. et al., D.93726 in A.59818). That decision interpreted the words "common carrier" as they appear in PU Code § 226, as excluding round-trip sightseeing transportation. As a result of this conclusion, applicant does not need any authority, as a matter of law, to conduct the operations proposed.

We recognize, however, that the Plaza decision is likely to generate protracted litigation. Uncertainty over the lawfulness of unregulated sightseeing transportation should not be permitted to discourage applicant from commencing operations.

Findings of Fact

1. No other person or corporation offers a service competitive with that proposed by applicant originating in the vicinity of Fort Bragg.
2. No protests have been received. A public hearing is not necessary.
3. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.
4. Public convenience and necessity require that applicant be authorized to provide sightseeing trips to and from Fort Bragg and vicinity to the public at individual fares.
5. Applicant proposes to conduct only round-trip, sightseeing operations.

Conclusions of Law

1. The class of carriage applicant will conduct is not common carriage and she does not require a certificate of public convenience and necessity.
2. To remove any doubt concerning the legality of her operation applicant should be issued a temporary certificate of public convenience and necessity during the pendency of any litigation concerning the Commission's jurisdiction over sightseeing transportation.

3. Public convenience and necessity have been demonstrated and the certificate should 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.

O R D E R

IT IS ORDERED that:

1. A temporary certificate of public convenience and necessity is granted to Roni L. Williams authorizing her to operate as a passenger stage corporation to sell individual-fare transportation, beginning at any point within a 40-mile radius of the post office in Fort Bragg, California, to and from the points of interest and over the routes specified in Appendix A, attached. The certificate does not authorize her to perform intercity transportation.

2. Applicant 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 her 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.

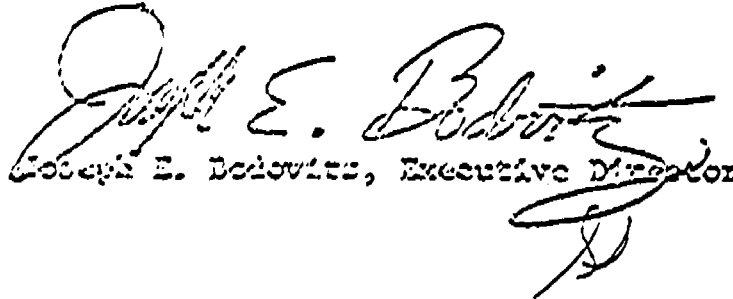
- d. Comply with General Orders Series 79, 98, 101, and 104, and the California Highway Patrol safety rules.
- e. Maintain accounting records in conformity with the Uniform System of Accounts.

This order becomes effective 30 days from today.

Dated JAN 19 1982, at San Francisco, California.

JOHN E. BRYSON  
*President*  
RICHARD D. GRAVELLE  
LEONARD M. GRIMES, JR.  
VICTOR CALVO  
PRISCILLA C. GREW  
*Commissioners*

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

  
Joseph E. Belovits, Executive Director

T/RZE /md \*

Appendix A

RONI L. WILLIAMS

Original Title Page

CERTIFICATE  
OF  
PUBLIC CONVENIENCE AND NECESSITY  
AS A PASSENGER STAGE CORPORATION  
PSC-1199

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 82 01 93,  
dated January 19, 1982, of the Public Utilities Commission  
of the State of California, in Application 60823.

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

Roni L. Williams, by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to transport passengers and their baggage from her terminal at Fort Bragg, California, over and along the routes described in Section 2, subject to the authority of this Commission to change or modify these routes at any time and subject to the following provisions:

- a. All routes shall be conducted on a continuous basis except for stops for meals, sightseeing, and lodging.
- b. Only round-trip passengers shall be carried.
- c. Tariffs shall define and include the charges for accessorial services, meals, and accommodations where multiday travel is offered, etc.), which shall be included in all schedules.
- d. Schedules may be made subject to a minimum number of paid fares, not to exceed 36, with tariffs and timetables to specify these terms.



SECTION 2. ROUTE DESCRIPTIONS.

Route 1. Fort Bragg Area/Napa Valley Wineries

Commencing at 222 East Redwood Avenue, Fort Bragg and/or any point within a 40 air-mile radius; then via State Highways 1 and 20 to Willits; then south via U.S. Highway 101 to Geysersville; then east via State Highway 128 to a tour of the Christian Brothers Greystone Cellars and the Beringer Winery near St. Helena; then south on State Highways 128 to 29 to a tour of the Inglenook Winery at Rutherford; then south on State Highway 29 to State Highway 12 and west on State Highways 12 and 116 to U.S. Highway 101 north to Santa Rosa; then north on U.S. Highway 101 to Willits; then west on State Highway 20 and north on State Highway 1 to point of origin.

Route 2. Fort Bragg Area/Yosemite

Day 1

Commencing at 222 East Redwood Avenue, Fort Bragg, and/or any point within a 40 air-mile radius; then via State Highways 1 and 20 to Willits; then south on U.S. Highway 101 to Ukiah; then south on U.S. Highway 101 to Petaluma; then east on State Highway 116 and State Highway 12 to Napa; then south on State Highway 29 to U.S. Highway 101 to Vallejo to Interstate Highway 780; then east on Interstate Highway 780 to Benicia; then south on Interstate Highway 680 to Dublin; then east on Interstate Highway 580 to Livermore (including tour of Wente Winery); then east on Interstate Highway 580 to Highway 205 and Manteca; then south on U.S. Highway 99 to Merced.

SECTION 2. ROUTE DESCRIPTIONS. (Continued)

Route 2. Fort Bragg Area/Yosemite (Continued)

Day 2

Continue via U.S. Highway 99 from Merced and east on State Highway 140 to Yosemite National Park. Return to Merced via same routing.

Day 3

Continue via U.S. Highway 99 north to Manteca and State Highway 120; then east on State Highway 120 and south on Road "J14" to Oakdale to tour of Hershey's Chocolate Factory; then return via Road "J14" and State Highway 120 to U.S. Highway 99 at Manteca; then north on U.S. Highway 99 to Lodi; then local streets through Lodi to Interstate Highway 5; then north on Interstate Highway 5 to Sacramento.

Day 4

Tour of Coloma, Folsom, and Folsom Dam; then north on Interstate Highway 5 to Williams and State Highway 20; then west on State Highway 20 to U.S. Highway 101; then north on U.S. Highway 101 to Willits and State Highway 20; and then west on State Highway 20 to State Highway 1 to point of origin.

SECTION 2. ROUTE DESCRIPTIONS. (Continued)

Route 3. Fort Bragg Area/Los Angeles - San Diego -  
San Ysidro.

Day 1

Commencing at 222 East Redwood Avenue, Fort Bragg, and/or any point within a 40 air-mile radius; then south via State Highway 1 and east via State Highway 20 to Willits; then south via U.S. Highway 101 to Petaluma; then east via State Highways 116 and 12 to Napa; then south via State Highway 29 to Vallejo; then east via Interstate Highway 780 to Benicia; then south via Interstate Highway 680 to Dublin; then east via Interstate Highway 580 and south via Interstate Highway 5 to Anaheim. ✓

Day 2

Continue south via Interstate Highway 5 to San Diego; then east via Interstate Highway 8 to Motel Circle off-ramp.

Day 3

(Continue with tour of Tijuana arranged with Gray Line Tours.)

Day 4

(Continue with tour of San Diego Zoo and Sea World arranged with Gray Line Tours.)

Day 5

Continue west via Interstate Highway 8, north via Interstate Highway 5, and north via U.S. Highway 101 to Buellton.

SECTION 2. ROUTE DESCRIPTIONS. (Continued)

Route 3. Fort Bragg Area/Los Angeles - San Diego -  
San Ysidro (Continued)

Day 6

Continue north via U.S. Highway 101 to Willits; then west via State Highway 20 and north via State Highway 1 to point of origin.

Route 4. Fort Bragg Area/Death Valley

Day 1

Commencing at 222 East Redwood Avenue, Fort Bragg, and/or any point within a 40 air-mile radius; then south via State Highway 1 and east via State Highway 20 to Willits; then south via U.S. Highway 101 to Petaluma; then east via State Highways 116 and 12 to Napa; then south via State Highway 29 to Vallejo, then east via Interstate Highway 780 to Benicia; then south via Interstate Highway 680 to Dublin; then east via Interstate Highway 580 and south via Interstate Highway 5 and east via State Highway 58 to Bakersfield. ✓

Day 2

Continue east via State Highway 58, north via State Highway 14 and U.S. Highway 395, and east via State Highway 190 to Death Valley National Monument.

Days 3 & 4

Continue with tours within the boundaries of Death Valley National Monument.

SECTION 2. ROUTE DESCRIPTIONS. (Continued)

Route 4. Fort Bragg Area/Death Valley (Continued)

Day 5

Continue west from Death Valley National Monument via State Highway 190, south via U.S. Highway 395 and State Highway 14, west via State Highway 58, and north via State Highway 99 to Fresno.

Day 6

Continue north from Fresno via State Highway 99 to Manteca; then west via Interstate Highways 205 and 580 to Dublin; then north via Interstate Highway 680 to Benicia; then west via Interstate Highway 780 to Vallejo; then north via State Highway 29 to Napa; then west via State Highways 12 and 116 to Petaluma, then north via U.S. Highway 101 to Willits; then west via State Highway 20 and north via State Highway 1 to point of origin.

Route 5. Fort Bragg Area/Eureka-Ferndale

Commencing at 222 East Redwood Avenue, Fort Bragg, and/or any point within a 40 air-mile radius; then south via State Highway 1 and east via State Highway 20 to Willits; then north via U.S. Highway 101 to Eureka; then west via State Highway 255 to Samoa; then east via Highway 255 to Eureka; then south via U.S. Highway 101 and via the most appropriate local roads and streets to Ferndale; then via the most appropriate local roads and streets and south via U.S. Highway 101 to Willits; then west via State Highway 20 and north via State Highway 1 to point of origin. ✓

SECTION 2. ROUTE DESCRIPTIONS. (Continued)

Route 6. Fort Bragg Area/San Francisco (Theatre)

Commencing at 222 East Redwood Avenue, Fort Bragg, and/or any point within a 40 air-mile radius; then south via State Highway 1 and east via State Highway 20 to Willits; then south via U.S. Highway 101 to San Francisco; then via the most appropriate streets to Pier 39 and the Golden Gate Theatre at 25 Taylor Street in San Francisco; then via the most appropriate streets to U.S. Highway 101; then north via U.S. Highway 101 to Willits; then west via State Highway 20 and north via State Highway 1 to point of origin. ✓

Route 7. Fort Bragg Area/San Francisco  
(Golden Gate Park)

Commencing at 222 East Redwood Avenue, Fort Bragg, and/or any point within a 40 air-mile radius; then south via State Highway 1 and east via State Highway 20 to Willits; then south via U.S. Highway 101 to San Francisco; then via the most appropriate streets to Golden Gate Park in San Francisco; then via the most appropriate streets to U.S. Highway 101; then north via U.S. Highway 101 to Willits; then west via State Highway 20 and north via State Highway 1 to point of origin. ✓

Route 8. Fort Bragg Area/ Heavenly Valley

Day 1

Commencing at 222 East Redwood Avenue, Fort Bragg, and/or any point within a 40 air-mile radius; then south via State Highway 1 and east via State Highway 20 to Willits; then east via State Highway 20 and south via Interstate Highway 5 to Sacramento; then east via U.S. Highway 50 to South Lake Tahoe. ✓

T/RZE /md

Appendix A

RONI L. WILLIAMS  
(PSC-1199)

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SECTION 2. ROUTE DESCRIPTIONS. (Continued)

Route 8. Fort Bragg Area/ Heavenly Valley (Continued)

Day 2

Continue via local streets to Heavenly Valley Ski Area and return to motel.

Day 3

Continue via local streets to Heavenly Valley Ski Area; then via local streets and west via U.S. Highway 50 to Sacramento; then north via Interstate Highway 5 and west via State Highway 20 to Willits; then west via State Highway 20 and north via State Highway 1 to point of origin.