

ORIGINAL

Decision 82 02 098 FEB 17 1982

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of SUNDANCE STAGE LINES, INC., a)
California corporation, for a)
certificate of public convenience)
and necessity to operate a)
regularly scheduled sightseeing)
tour between points in San Diego,)
and Orange Counties on the one)
hand and various points of)
interest in Orange and Los Angeles)
Counties on the other.)

Application 60520
(Filed May 6, 1981;
amended May 20, 1981)

Roger Curtis McKee, Attorney at Law, for
applicant.

Warren N. Grossman, Attorney at Law, for
The Gray Line Tours; Theodore W.
Russell, Attorney at Law, for American
Buslines, Inc.; Robert J. Klitgaard,
for Kopecky Corporation; and Michael L.
Valen, for Fun Bus Systems,
protestants.

INTERIM OPINION

Sundance Stage Lines, Inc. (Sundance), a California corporation, has applied for authority to pickup passengers in the morning from various points in the greater San Diego Commercial Zone and transport them to either Disneyland, Knott's Berry Farm (Buena Park), or Universal Studios (Universal City) returning in the evening to transport the same passengers back to where they were picked up in the morning. The service is to be performed on Saturdays only and every Wednesday beginning on the first Wednesday after June 15 and continuing until the first Wednesday following September 15 annually.

Sundance will pick up at two travel agencies and the Amtrak station with the bus departing about 8:00 a.m. and arriving at Disneyland at 10:00 a.m.; passengers who want to see Disneyland will then leave the bus, which will continue to Knott's Berry Farm, arriving about 10:15 a.m., and to Universal Studios, arriving at 11:15 a.m. The same bus will leave Universal Studios to return about 4:30 p.m., pick up at Knott's Berry Farm about 5:30 p.m. and Disneyland at 6:00 p.m. The passengers picked up in the morning and deposited at the three destinations will be back in San Diego about 8:00 p.m. Sundance contends that it will be providing the only same-day round-trip service from San Diego to the three most popular recreations areas in Southern California.

Protests were filed by Greyhound Lines, Inc. (Greyhound), The Gray Line Tours Company (Gray Line), American Buslines, Inc. (American), the Kopecky Corporation (Kopecky), and by Fun Bus Systems (FunBus). Greyhound withdrew its protest after Sundance stipulated that the authority would be restricted to transportation of sightseeing or pleasure tours to be operated only on Wednesday and Saturday. A public hearing was scheduled and held before Administrative Law Judge Edward G. Fraser in Los Angeles, California, on August 13 and 14, 1981.

Sundance's Presentation

Sundance's executive vice president testified that Sundance holds a Class A charter-party certificate from this Commission and authority from the Interstate Commerce Commission to transport charters from San Diego to 48 states. Sundance has been operating for three years with six buses, but four more coaches have been purchased, and all ten may be used on the proposed service.

Sundance will only accept passengers from travel agents. There will be no individual solicitation of passengers. Initial pickups will be scheduled from J. J. Travel Service in El Cajon, A-1 Tours (also called A 1 Travel) in San Diego, and the Amtrak station in San Diego, where Mexicoach will act as tour agent.

Process
TH-4

A.60520 ALJ/ks **

The witness stated that travel agents favor a service where each bus dispatched visits three points of interest. Tickets are less expensive and easier to sell when there is a choice of destinations. Sundance proposes a one-way service from San Diego to each of the three terminals, a round-trip service, and a separate round-trip ticket which includes the price of admission to one of the attractions in addition to the fare for transportation. The one-way fare is provided for those who check into a motel near one of the attractions and spend several days visiting in the area. They then return with relatives, or a different carrier. Some of these passengers have season tickets to one or more of the points of interest and do not return on the date of arrival.

The witness testified that Sundance has transported 2,400 charters over 900,000 miles since 1978. Four minor breakdowns during this period were covered by backup units. Sundance's coaches have a capacity of 41 to 47 passengers. It has been determined that 24 passengers per trip will be required to ensure a profitable operation. Sundance's latest income statement (Exhibit 5) indicates gross revenues of \$411,867, and operating expenses of \$378,039; net income for the year to the date of the report (June 30, 1981) totals \$39,000. Sundance has \$10 million coverage on its liability insurance. This is in excess of Commission requirements.

Protestants' Presentations

A witness from American protested Sundance's request for authorization to provide one-way service under a sightseeing authority. The witness also thought it doubtful that Sundance's proposed operation would ever show a profit. The president of Kopecky protested since five operators already serve the points concerned, in addition to charter buses and privately owned buses and vans. He was also concerned about the practicality of a one- or two-day-a-week operation. The witness from FunBus agreed with and testified substantially the same as the previous two witnesses.

Discussion

Sundance is an experienced and financially sound operator. The application should be granted. Sundance should be authorized to provide one-way transportation and to charge a special fare for this service. Some riders will spend the night at attractions visited by Sundance's tours and return by other transportation. The evidence demonstrates that some of Sundance's passengers will select the one-way option and the authority to be granted should provide for it.

Gray Line withdrew as a protestant after Sundance stipulated that all passengers would be picked up and discharged at only three points in the San Diego area, described as follows:

1. J. J. Travel Service
433 East Main Street
El Cajon, CA
2. A-1 Tours
4056 Fairmount Avenue
San Diego, CA
3. Amtrak Station
Kettner and Broadway
Downtown San Diego, CA

With respect to the proposed round-trip tour service, in Decision (D.) 93726 in Applications 59818 et al. issued November 13, 1981, we found that sightseeing-tour service over a loop is not that of a passenger stage corporation. However, the portion of that decision completely eliminating our regulation over sightseeing-tour carriers will not become effective until after judicial review. We announced in D.93726 that during this transitional period we would grant pending applications ex parte with temporary operating authority upon a showing that applicant has adequate public liability insurance. Accordingly, we will grant this application. Sundance must file evidence of the required minimum insurance coverage set by General Order 101 before operations begin.

Findings of Fact

1. The proposed one-way service from various points in the greater San Diego Commercial Zone to either Disneyland, Knott's Berry Farm (Buena Park), or Universal Studios (Universal City) is passenger stage corporation service.

2. The proposed round-trip service involves sightseeing-tour service over a loop.

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. Sundance's operation is limited to two days a week and three pickup points. Authorizing one-way transportation in connection with its sightseeing service should have a minimal effect on protestants.

Conclusions of Law

1. Sundance should be authorized to provide one-way passenger stage service and to charge one-way fares between designated points in San Diego and Disneyland, Knott's Berry Farm, and Universal Studios.

2. Sundance should be granted a temporary certificate to provide the proposed round-trip sightseeing tours.

3. Since Sundance alleges there is a need for the proposed services, and since the liability insurance required by General Order Series 101 must be in effect before operations begin, the following order should be effective today.

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.

INTERIM ORDER

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Sundance Stage Lines, Inc. (Sundance) authorizing it to operate as a passenger stage corporation, as defined in PU Code § 226, in one-way service between the points and over the routes set forth in Appendix A, to transport persons.

2. Sundance is granted a temporary certificate of public convenience and necessity to operate over the routes proposed in the

application and as more particularly set forth in Appendix A. A permanent certificate prepared by this Commission may be issued by a final order.

3. Sundance 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 its 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.

4. Under the permanent certificate attached Sundance shall pickup and discharge passengers only at the three locations previously identified; and the service shall be performed on Saturdays only, and on every Wednesday beginning on the first Wednesday after June 15, and continuing until the first Wednesday following September 15, annually.

This order is effective today.

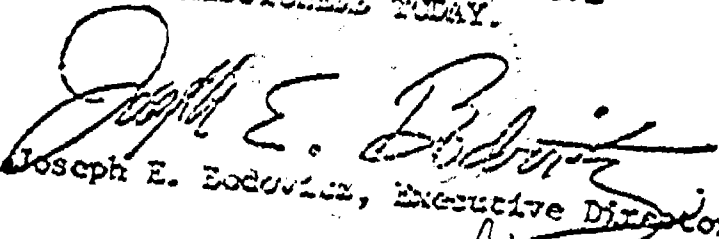
Dated FEB 17 1982, at San Francisco, California.

RICHARD D GRAVELLE
LEONARD M. GRIMES, JR.
VICTOR CALVO
PRISCILLA C. GREW
Commissioners

Commissioner JOHN E. BRYSON

Present but not participating.

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


Joseph E. Lodovick, Executive Director

T/am /ALJ/ks

Appendix A

Sundance Stage Lines, Inc.

Original Title Page

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
AS A PASSENGER STAGE CORPORATION
PSC-1208

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

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 82 02 038, dated FEB 17 1982,
of the Public Utilities Commission of the State of California in
Application 60520.

T/am

Appendix A

Sundance Stage Lines, Inc.
(PSC-1208)

Original Page 1

I N D E X

	<u>Page</u>
SECTION 1. GENERAL AUTHORIZATIONS, RESTRICTIONS, LIMITATIONS, AND SPECIFICATIONS	2
SECTION 2. ROUTE DESCRIPTIONS	
Route 1 - Disneyland-Knott's Berry Farm- Universal Studios	3

Issued by California Public Utilities Commission.

Decision 82 02 038, Application 60520.

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

Sundance Stage Lines, Inc., by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to transport passengers and their baggage, between San Diego County and Orange and Los Angeles Counties and certain intermediate and adjacent territories over and along the routes described, subject, however, to the authority of this Commission to change or modify the routes at any time and subject to the following provisions:

- (a) Motor vehicles may be turned at termini and intermediate points, in either direction, at intersections of streets or by operating around a block contiguous to such intersections, in accordance with local traffic regulations.
- (b) When route descriptions are given in one direction, they apply to operation in either direction unless otherwise indicated.
- (c) Applicant shall not pick up or discharge passengers except within the limits of the specified service areas as set forth. This restriction shall not prevent stop-overs for the purpose of permitting sightseeing passengers to visit various points of interest along the route.
- (d) Route 1 shall be operated on Saturdays only, and on every Wednesday beginning on the first Wednesday after June 15 and continuing until the first Wednesday following September 15, annually.
- (e) On Route 1, only passengers provided by travel agents shall be accepted.
- (f) One-way transportation of passengers is authorized.

Issued by California Public Utilities Commission.

Decision 82 02 008, Application 60520.

SECTION 2. ROUTE DESCRIPTIONS.

Route 1. Disneyland - Knott's Berry Farm - Universal Studios

Service between the following points, on the one hand:

1. J. J. Travel Service, 433 East Main Street, El Cajon
2. A-1 Tours, 4056 Fairmount Avenue, San Diego
3. Amtrak Station, Kettner and Broadway, Downtown San Diego

and the following points, on the other hand:

4. Disneyland, Anaheim
5. Knott's Berry Farm, Buena Park
6. Universal Studios, Universal City (Los Angeles)

Issued by California Public Utilities Commission.

Decision 82 02 028, Application 60520.