

ORIGINAL

Decision SZ 08 054 AUG 4 - 1982

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
Denis S. Fowler, dba Cherokee )  
Tours, for authority to operate as )  
a passenger stage and narrated- )  
sightseeing tours between points in )  
Sacramento and points of interest )  
in listed counties on a On Call per )  
capita basis. Passenger and )  
baggage to be transported in the )  
same vehicle. (Enclosed Baggage.) )

Application 82-05-03  
(Filed May 3, 1982)

INTERIM OPINION

Denis Fowler, dba Cherokee Tours, seeks a certificate of public convenience and necessity as a passenger stage (Public Utilities (PU) Code § 226) to conduct sightseeing operations.

His proposed operation will include a Sacramento tour with regular pickup and dropoff points at the several motels and hotels in Sacramento and the surrounding area. There will also be pickups in Citrus Heights and at 29th and K in downtown Sacramento.

This tour will also have on-call pickup and delivery at Sacramento Metro, Executive, and Yolo Airports, the Port of Sacramento and in Orangevale, Citrus Heights, Roseville, and Folsom.

The tour will visit Sutter's Fort, the State Indian Museum, the Governor's Mansion, the State Capitol, B. F. Hastings, the Crocker Art Gallery, Old Sacramento, the Railroad Museum, the Almond Factory, and the Port of Sacramento.

Applicant will also offer a variety of Gold Country tours from Sacramento. Tour No. 1 visits Auburn, Coloma, and Placerville where lunch will be provided at Denny's. Then the tour will visit the Gold Bug Mine, Amador City, Jackson, and Volcano Indian Grinding Rock State Park. This tour will use Highways 49, 16, 88, and I-80.

The second tour will visit Amador, Jackson, Indian Grinding Rock State Park, Angels Camp, and Columbia. This tour will use Highways 16, 49, 88, 120, and I-5.

The third tour will visit Jamestown, Columbia, and Calaveras Big Trees, using Highways 99, 120, 49, and 4.

The fourth tour will visit Angels Camp and Calaveras Big Trees. There will be a lunch stop at Murphys, followed by a stop at Mercer Caverns. This tour will use Highways 99, 4, 49, 16, and 50.

The fifth tour will visit Auburn, Grass Valley, Nevada City, and Sierraville, using Highways 49, 89, and I-80.

The sixth will tour Placerville, Coloma, Auburn, Grass Valley, Emigrant Gap, and Dutch Flat, using I-80 and Highways 49 and 20.

The seventh tour will stop at Grass Valley, Nevada City, and Auburn, using I-80 and Highways 49 and old 40.

The eighth will visit Grass Valley, Nevada City, Malakoff Diggings, Emigrant Gap, Dutch Flat, and Auburn; I-80 and Highways 49 and 20 will be used.

Tour nine will visit Coloma, Apple Hill, and Placerville, using I-80 and Highways 49 and 50.

The carrier has also proposed a tour which would stop at Truckee, King's Beach, and cross into Nevada to stop at Ponderosa Ranch.

He contends that no other carrier offers competitive sightseeing tours from the Sacramento area and hence notice of this application has not been served on any other carriers. Notification of the filing of the application appeared in the Commission's Daily Calendar of May 5, 1982; no protests have been received.

Applicant operates one 21-passenger bus. He has extensive experience as a bus driver, a safety instructor, a training director, and manager of a bus company.

In accordance with our usual practice the certificate issued by this decision authorizes operations only over highways within the State of California. Applicant is neither authorized to extend nor prohibited from extending any of his tours into Nevada.

We will grant temporary operating authority, consistent with Decision 93726 in Application 59818 et al., issued November 13, 1981; rehearing of that decision, which found sightseeing-tour service should not be regulated, has been granted.

Findings of Fact

1. Applicant possesses satisfactory fitness and financial responsibility to conduct the proposed transportation services.
2. The proposed operations are 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. A public hearing is not necessary.

Conclusion of Law

A temporary certificate of public convenience and necessity as a passenger stage as set forth in the application should be issued authorizing applicant to conduct operations as a sightseeing-tour service within California.

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 temporary certificate of public convenience and necessity is granted to Denis S. Fowler authorizing him to operate a sightseeing-tour service as a passenger stage corporation, as defined

in PU Code § 226, between the points and over the routes set forth in the application to transport passengers and baggage until further order of the Commission and is assigned Passenger Stage Corporation PSC-1241. A permanent certificate may be issued by the Commission in a final order.

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 his 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.

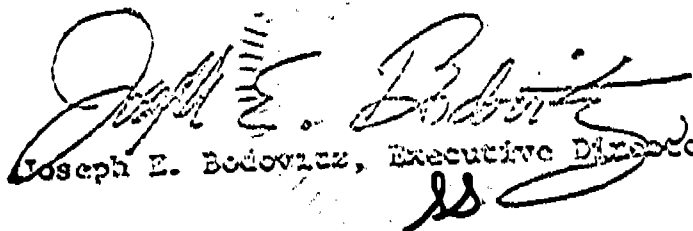
This order is effective today.

Dated   AUG 4 1982  , at San Francisco, California.

JOHN E. BRYSON  
President  
LEONARD M. GRIMES, JR.  
VICTOR CALVO  
PRISCILLA C. GREW  
COMMISSIONERS

Commissioner Richard D. Gravelle, being necessarily absent, did not participate in the disposition of this proceeding.

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

  
Joseph E. Bodovitz, Executive Director

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