

Decision 82 09 085 SEP 22 1982

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of GENE T. DAVIDSON and MYRON V. DAVIS, d/b/a/ ROADRUNNER SIGHTSEEING TOURS, for a Certificate of Public Convenience and Necessity to operate a Passenger Stage Corporation, to provide passenger sightseeing tours from Palm Springs, CA, in and around Riverside and San Bernardino Counties, California, under Sec. 1031 et seq. of the Public Utilities Code of the State of California.

Application 82-06-63 (Filed June 28, 1982)

INTERIM OPINION

Gene T. Davidson and Myron V. Davis, a partnership, dba Roadrunner Sightseeing Tours (Roadrunner), seek a certificate of public convenience and necessity under the provisions of Public Utilities Code Sections 1031 et seq. to operate a common carrier passenger stage service for eight sightseeing tours in and around the Palm Springs resort area as follows:

Tour No.

- 1 PALM SPRINGS CITY AND AREA TOUR, including parts of Cathedral City and Rancho Mirage, all located within Riverside County: Pickups scheduled at the Hilton Riviera Hotel, Palm Springs Chamber of Commerce, the Spa Hotel, the Sheraton Plaza Hotel, and the Ramada International Hotel, along the most convenient streets. Tour begins at the intersection of East Palm Canyon Drive and Sunrise Way (Ramada International Hotel). Proceeds north to Ramon Road east

to El Cielo, north to Tahquitz-McCullum west to Farrell Drive, north to Tamarisk Road, west to Arquilla, south to Via Colusa, west to Avenida Caballeros, south to Alejo, west to Miraleste, north to Via Colusa, west to Via Corta, north to Granvia Valmonte, east to Miraleste, north to Tachevah, west to Indian Avenue, north to Vista Chino, west to Via Norte, north to Chino Canyon, west to Panorama Road, south and east to Chino Canyon, east to Via Norte, south to Stevens Road, east to Kaweah Road, south to West Camino del Norte, west to Via Monte Vista, north to Stevens Road, west to Rose Avenue, north to Juarez Avenue, U-turn south on Rose Avenue to Via Vadera, east to Abrigo Road, north to Las Palmas, east to Via Monte Vista, south to Camino del Sur, east to Mission Road, south to Via Lola, west to Patencio Road, south to Hermosa Place, east to Mission Road, south to Merito, west to Patencio Road, south to Vine Avenue, south and east to Alejo, east to Belardo, north to Chino Drive, east to North Palm Canyon Drive, south to Amado, west to Belardo, south to Andreas, west to Museum Drive, south to Tahquitz-McCullum, east to South Palm Canyon Drive, south to La Verne Way, east to Calle Palo Fierro, south to Avenida Granada, east to Camino Real, north to Alhambra, east and north to Sequoia Place, east to Yosemite Drive, north to La Verne Way, east and north to East Palm Canyon Drive, east to Cathedral Canyon Drive, north to Perez Road, east to Date Palm Drive, north to 36th Avenue (Fred Waring Drive), east to Da Vall Drive, south to Frank Sinatra Drive, east to Bob Hope Drive, south to Country Club Drive, west to East Palm Canyon Drive (Highway 111), north and west to Sunrise Way. End of tour. Dropoffs reverse of previously stated pickups via most convenient streets.

9:00 a.m. to 12:00 noon \$12.00 per seat
Daily Monday through Saturday

Tour
No.

- 2 SAME ROUTE AS TOUR NO. 1
12:30 p.m. to 3:30 p.m. \$12.00 per seat
Daily Monday through Saturday
- 3 HILTON RIVIERA HOTEL BIG BAND AND DINNER
TOUR:
Commencing from designated hotels in Palm
Springs area via the most convenient
streets and proceeding to the Hilton
Riviera Hotel at 1600 North Indian Avenue,
then returning to the point of origin via
the most convenient streets.
8:00 p.m. to 12:00 midnight \$20.00 per person
Monday nights only
- 4 PALM SPRINGS AERIAL TRAMWAY RIDE AND DINE
TOUR:
Commencing from designated hotels in Palm
Springs area via the most convenient
streets and proceeding to the Palm Springs
Aerial Tramway, then returning to the point
of origin via the most convenient streets.
6:00 p.m. to 10:00 p.m. Adult \$20.00 per person
Tuesday night only Child \$19.00 per person
- 5 HILTON RIVIERA HOTEL DINNER AND SHOW TOUR:
Commencing from designated hotels in Palm
Springs area via the most convenient streets
and proceeding to the Hilton Riviera Hotel
at 1600 North Indian Avenue, then returning
to the point of origin via the most conven-
ient streets.
8:00 p.m. to 12:00 midnight \$20.00 per person
Wednesday night only

Tour
No.

- 6 PALM SPRINGS AERIAL TRAMWAY RIDE AND DINE
TOUR:
Commencing from designated hotels in Palm
Springs area via the most convenient streets
and proceeding to the Palm Springs Aerial
Tramway then returning to the point of
origin via the most convenient streets.
6:00 p.m. to 10:00 p.m. Adult \$20.00 per person
Thursday nights only Child \$19.00 per person
- 7 PALM SPRINGS NIGHT CLUB TOUR:
Commencing from designated hotels in Palm
Springs area via the most convenient streets
and proceeding to Cecil's Disco at 1775
East Palm Canyon, then along the most
convenient streets to Zelda's at 169 North
Indian Avenue, then along the most conven-
ient streets to Brandie's at 200 North Palm
Canyon, then returning to the point of origin
via the most convenient streets.
9:00 p.m. to 1:00 a.m. \$20.00 per person
Friday nights only
- 8 HI-DESERT PLAYHOUSE THEATRE AND DINNER TOUR:
Commencing with pickup at Palm Springs Mall
at 191 South Farrel Drive, then along the
most convenient streets to Hacienda Plaza,
Desert Hot Springs, then north along Palm
Drive to Pierson Boulevard west to Indian
Avenue north to State Highway 62 north to
Hi-Desert Playhouse in Joshua Tree, then
to Reflection Restaurant, then returning
to the point of origin via the most conven-
ient highways and streets.
1:00 p.m. to 7:00 p.m. \$15.00 per person,
Sunday afternoons only excluding dinners

The proposed pickup and return locations are set forth in the application and consist of various hotels in Palm Springs for Tours Nos. 1, 2, 4, and 6 and these same hotels plus additional hotels located in Palm Springs or Desert Hot Springs for Tours Nos. 3, 5, and 7.

Roadrunner presently has one 1982 20-passenger, including driver, National Coach Escort Model E Tourist Bus and plans to purchase additional equipment as the need arises. Initially Roadrunner will supplement its need for additional equipment by use of Commission-certificated carriers.

The partnership balance sheet attached to the application shows total assets of \$49,539.50 and total liabilities of \$35,001.00 for a net worth of \$14,538.50.

The two partners have a combined business-management experience of over 50 years, of which three years have been in the areas of tour planning, tour presentation, driving, and maintenance and repair of passenger motor vehicles.

Roadrunner has the facilities for repair and maintenance of its passenger equipment at its home office in Desert Hot Springs and has the clerical staff to support the proposed operation.

Copies of the application were mailed postpaid to the County Clerk of the County of Riverside and the City Clerk of the Cities of Palm Springs and Desert Hot Springs, and to Celebrity Tours, Sunrise Tours, Gray Line Tours Company, and Greyhound Lines, Inc. In addition, the application was listed on the Commission's Daily Calendar on June 29, 1982. No protest or request for hearing has been received.

In Decision (D.) 93726 in Application 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 transition period we would grant pending applications ex parte with temporary operating authority upon a showing that applicant had adequate public liability insurance. Accordingly, we will grant this application. Roadrunner must file evidence of the required minimum insurance coverage set by General Order 101 before operations begin.

Findings of Fact

1. The proposed operations are sightseeing-tour service over a loop.
2. 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. Temporary operating authority should be granted, since there is a need for the proposed service.
2. Liability insurance set by General Order 101 will be required before operations begin.
3. 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. Gene T. Davidson and Myron V. Davis are granted a temporary certificate of public convenience and necessity to operate sightseeing-tour service over the routes proposed in the application until further order of the Commission and are assigned Passenger Stage Corporation PSC-1245. A permanent certificate prepared by this Commission may be issued by a final order. ✓

2. Applicants shall:

- a. File a written acceptance of this authority 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. ✓
- d. Comply with General Orders Series 79, 98, 101, and 104, and the California Highway Patrol safety rules.

A.82-06-63 ALJ/emk

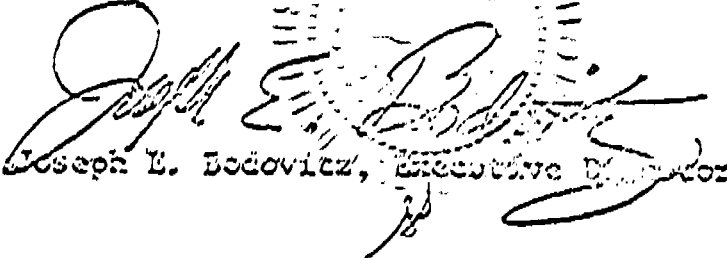
- e. Maintain accounting records in conformity with the Uniform System of Accounts.

This order is effective today.

Dated SEP 22 1982, at San Francisco, California.

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

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


Joseph L. Bodovitz, Executive Director

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- d. Comply with General Orders Series 79, 98, 101, and 104, and the California Highway Patrol safety rules.