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ORIGINAL

Decision 82 10 054 OCT 20 1982

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of ERIC PALMER and
LELAND SPELMAN for certificate
of public convenience and nec-
essity to operate passenger
stage service between
San Francisco, Marin & Sonoma
Counties.

Application 82-05-02
(Filed May 3, 1982)

INTERIM OPINION

Eric Palmer and Leland Spelman request a certificate of public convenience and necessity under Public Utilities Code § 1031 to conduct sightseeing-tour operations. They will operate a 14-passenger minibus.

They plan to operate "on demand", requiring a minimum of eight fares to conduct any tour. If passengers request, they will extend tours to other points of interest not described below.

Proposed Tour 1 will, after picking up passengers, proceed to Marin Headlands via Highway 101 and Conzelman Road; then to Muir Woods National Monument via Highway 101 North to Highway 1 (Shoreline Highway) and Muir Woods Road; then to Stinson Beach via Muir Woods Road and Panoramic Highway; then to Larkspur via Highway 1, Sir Francis Drake Boulevard, Shady Lane, Poplar Avenue, and Magnolia Avenue; then to Tiburon via Magnolia Avenue, Tamalpais Drive, Highway 101 South, and Tiburon Boulevard; then to Sausalito via Tiburon Boulevard, Highway 101 South, and Bridgeway Boulevard; and finally to San Francisco via Bridgeway Boulevard, Sausalito lateral, and Highway 101 South.

Tour 2 will have its first point of interest at Marin Headlands which will be reached via Highway 101 North and Conzelman Road. It will then proceed to Muir Woods National Monument via Highway 101 North to Highway 1 (Shoreline Highway) and Muir Woods Road, and then to Mill Valley via Muir Woods Road, Shoreline Highway, and Miller Avenue. It will continue to Tiburon via East Blithedale Avenue and Tiburon Boulevard, then to Sausalito via Tiburon Boulevard, Highway 101 South, and Bridgeway Boulevard, returning to San Francisco via Bridgeway Boulevard, Sausalito lateral, and Highway 101 South.

Tour 3 will commence at Marin Headlands reached by Highway 101 North and Conzelman Road, proceed to Tiburon via Highway 101 North and Tiburon Boulevard, and end at Sausalito via Tiburon Boulevard and Bridgeway Boulevard.

Tour 4 will start at Marin Headlands reached via Highway 101 North and Conzelman Road. It will proceed to Muir Woods National Monument via Highway 101 North to Highway 1 (Shoreline Highway) and Muir Woods Road; then to Mill Valley via Muir Woods Road, Shoreline Highway, and Miller Avenue; then to Tiburon via East Blithedale Avenue and Tiburon Boulevard; then to Sausalito via Tiburon Boulevard, Highway 101 South, and Bridgeway Boulevard; returning to San Francisco via Bridgeway Boulevard, Sausalito lateral, and Highway 101 South.

Applicants expect to charge \$37.50 per passenger for Tours 1, 2, and 4 and \$25.00 for Tour 3.

Applicants claim to have \$16,000 cash on hand, with an additional \$10,000 of credit available. They state that they have no indebtedness.

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

transitional 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. Applicants 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.

Conclusion of Law

Temporary operating authority should be granted, since there is an alleged need for the proposed service and liability insurance set by General Order 101 will be required 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. Leland Spelman and Eric Palmer 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-1252.

A permanent certificate prepared by this Commission may be issued by a final order.

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.
- 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.

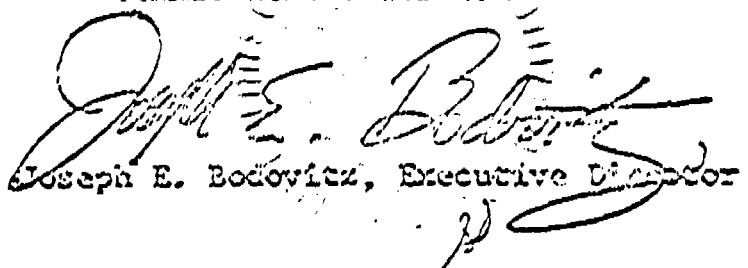
This order is effective today.

Dated OCT 20 1982, at San Francisco, California.

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

Commissioner Priscilla C. Crow,
being necessarily absent, did
not participate

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


Joseph E. Bodovitz, Executive Director