

Decision 83 01 020 JAN 12 1983

ORIGINAL

## BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application )  
 of EXPRESS TOURS UNLIMITED, a )  
 California corporation (PSC-1075) )  
 for a certificate of public con- )  
 venience and necessity to provide )  
 express service for packages of )  
 less than 100 pounds when )  
 incidental to the transportation )  
 of passengers pursuant to the )  
 provisions of Sections 225 and )  
 1031 of the Public Utilities )  
 Code. )

Application 82-06-51  
 (Filed June 21, 1982;  
 amended August 23, 1982)

O P I N I O N

Applicant is a California corporation with its principal office in San Francisco. A certified copy of applicant's articles of incorporation was filed in Application (A.) 57152, and a certified copy of the certificate of amendment showing the change of applicant's name from San Francisco-Yosemite Tours, Inc. to Express Tours Unlimited was thereafter filed with the Commission in A.59382.

Applicant has now applied for authority to transport express shipments of less than 100 pounds, incidental to the transportation of passengers. This express service would be provided by the buses transporting passengers under PSC-1075 between the San Francisco Bay Area and Yosemite National Park. It is alleged that applicant's passenger buses all have vacant space in baggage bins and that this capacity could be effectively used for the benefit of the public. Applicant's equipment list includes two 47-passenger and eight 49-passenger buses, in addition to one 14- and one 23-passenger van. Applicant's balance sheet lists total assets of more than \$300,000, current liabilities of \$15,000, annual

income of \$170,000, and expenses of \$152,000. Copies of the application were mailed to several passenger carriers and to various city, state, and federal entities. Filing of the application was also noted in the Commission's Daily Calendar. ✓

Protests were filed by Greyhound Lines, Inc. and Trailways, Inc. and the application was set for hearing. However, the parties settled their differences and the hearing was canceled. The parties agreed that applicant would not haul express between the San Francisco Bay Area and Merced and that applicant would only haul express having either an origin or destination at a point beyond Merced, including Yosemite Park.

Applicant filed an amendment to the application on August 23, 1982 which incorporated this change. Protestants then withdrew and became interested parties.

This application requests that applicant's buses be allowed to carry express on their regular routes. There will be no change in passenger service. All opposition has been withdrawn and the application should be granted. If applicant wishes to have the restrictions removed in the future, it may file an application to have them removed.

#### Findings of Fact

1. Applicant possesses the ability, equipment, and financial resources to perform the proposed service.
2. There is a need for the proposed service.
3. The opposition to the proposal has been withdrawn.
4. Public convenience and necessity require that the service proposed by applicant be certificated.
5. 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. The application should be granted as set forth in the ensuing order.

2. The effective date of this order should be the date of signature to allow applicant to provide the new service before the start of inclement weather.

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 certificate of public convenience and necessity is granted to Express Tours Unlimited, a corporation, authorizing it to expand its operations as a passenger stage corporation, as defined in Public Utilities Code § 226, to transport express.

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 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.

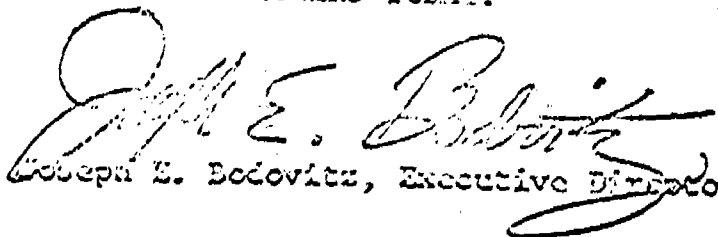
3. Appendix A of Decision 93173 is amended by replacing Original Page 1 with First Revised Page 1, Original Page 2 with First Revised Page 2, and Original Page 4 with First Revised Page 4 (attached).

This order is effective today.

Dated JAN 12 1983, at San Francisco, California.

LEONARD M. GRIMES, JR.  
President  
VICTOR CALVO  
FRISCILLA C. GREW  
DONALD VIAL  
Commissioners

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

  
Joseph E. Bolovitz, Executive Director

T/ri/nb

Appendix PSC-1075  
(D.93173)

EXPRESS TOURS UNLIMITED  
(PSC-1075)

First Revised Page 1  
Cancels  
Original Page 1

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

This certificate supersedes all operative authority previously granted to EXPRESS TOURS UNLIMITED, or its predecessors.

EXPRESS TOURS UNLIMITED, a California corporation, by the certificate of public convenience and necessity to operate as a Passenger Stage Corporation granted by the decision noted in the margin, is authorized to transport passengers on an "on-call" basis on sightseeing tours between points in the City and County of San Francisco, and specified points in San Mateo and Alameda Counties, on the one hand, and Yosemite National Park, on the other hand, and between the City and County of San Francisco and specified points in the County of San Mateo, on the one hand, and Hearst San Simeon State Historical Monument, on the other hand,\*and to transport express shipments of packages of less than 100 pounds between points in the City and County of San Francisco, designated points in the Counties of San Mateo and Alameda and Yosemite National Park, and intermediate points, over and along the routes described, subject, however, to the authority of this Commission to change or modify these routes at any time and subject to the following provisions:

Issued by California Public Utilities Commission.

\*Added by Decision 83 01 020, in Application 82-06-51.

SECTION 1. GENERAL AUTHORIZATIONS, RESTRICTIONS, LIMITATIONS,  
AND SPECIFICATIONS. (Continued)

- (a) The term "on-call" as used refers to service which is authorized to be rendered dependent on the demands of passengers. The tariffs and timetables shall show the conditions under which each authorized on-call service will be rendered.
- (b) All sightseeing service authorized shall be limited to the transportation of round-trip passengers only.
- (c) Scheduled daily service shall be provided, including weekdays, weekends, and holidays.
- (d) \*On Tour 1 and 2, carrier shall not transport any baggage, except hand-carried items of the passengers.
- (e) Service authorized on Tour 1 shall be limited to the transportation of single-day round-trip passengers only.
- (f) Service authorized on Tour 2 shall be for the transportation of overnight round-trip passengers only.
- (g) Service authorized on Tours 3, 4, and 5 shall be for the transportation of round-trip passengers, with the return trip not later than the second day following the inbound trip. Carrier will provide guaranteed return trip for passengers who elect to stay in the park for one or two nights.

T/ri /nb

Appendix PSC-1075  
(D.93173)

EXPRESS TOURS UNLIMITED  
(PSC-1075)

First Revised Page 4  
Cancels  
Original Page 4

SECTION 1. GENERAL AUTHORIZATIONS, RESTRICTIONS, LIMITATIONS,  
AND SPECIFICATIONS. (Continued)

3. Within Alameda County - the following points  
only:

- a. The Holiday Inn on Powell Street in  
Emeryville.
- b. The corner of Lakeshore Boulevard and  
MacArthur Boulevard in Oakland.
- c. The Edgewater Hotel on Hegenberger  
Road in Oakland.

\*(J) Express shipments may be transported between San  
Francisco Bay Area or intermediate points between  
Bay Area and Merced (including Merced), on the one  
hand, and intermediate points between Merced and  
Yosemite National Park (including Yosemite), on  
the other hand.

SECTION II. TOUR DESCRIPTIONS.

Tour 1 - Hearst Castle in a Day

From San Francisco along U.S. Highway 101 to its inter-  
section in South San Francisco with Airport Boulevard;  
then along South Airport Boulevard and Old Bayshore  
Highway, re-entering U.S. Highway 101 at the intersection  
of Old Bayshore Highway, Broadway, and U.S. Highway 101  
in Burlingame; then along U.S. Highway 101, leaving  
U.S. Highway 101 in Paso Robles; then along  
California Highway 46 to Cambria; then along California  
Highway 1 to the entry of the Hearst San Simeon State  
Historical Monument, and return over the same route.

Issued by California Public Utilities Commission.

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This application requests that applicant's buses be allowed to carry express on their regular routes. There will be no change in passenger service. All opposition has been withdrawn and the application should be granted.

#### Findings of Fact

1. Applicant possesses the ability, equipment, and financial resources to perform the proposed service.
2. There is a need for the proposed service.
3. The opposition to the proposal has been withdrawn.
4. Public convenience and necessity require that the service proposed by applicant be certificated.
5. 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. The application should be granted as set forth in the ensuing order.