

Decision

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FEB 2- 1983

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

The Application of U.C. BROTHERS)
(USA) INC., dba TRAVEL LINE for)
a passenger stage certificate)
authorizing applicant to offer)
sightseeing tours to the public)
on a per capita basis between)
points of interest in the State)
of California.)

Application 82-10-52
(Filed October 22, 1982)

INTERIM OPINION

UC Brothers (USA), Inc. (applicant), doing business as Travel Line, requests a certificate of public convenience and necessity under Public Utilities Code Section 1031 to conduct sightseeing-tour operations. Applicant proposes to make passenger pickups in the area between the Harbor, Santa Ana, and Santa Monica Freeways and in the City of Monterey Park. It proposes to provide bilingual tour guides for members of the public and tourists from the Orient on the following tours:

- a. A one-day tour of Universal Studios, the Farmer's Market, and Mann's Chinese Theater in Hollywood.
- b. A one-day tour to Disneyland.
- c. A one-day tour to the City of San Diego.
- d. A four-day tour to the City of San Francisco, the 17-mile drive near Monterey, San Simeon, Solvang, and Santa Barbara.

Applicant will require advance reservations with a minimum of six passengers for each tour.

Notice of the filing of this application appeared in the Commission's Daily Transportation Calendar of October 27, 1982. Starline Sightseeing Tours, Inc. (Starline) filed a protest on November 22, 1982. Starline states that it conducts sightseeing tours originating in Hollywood in the City of Los Angeles; its pickup authority includes hotels and motels in downtown Los Angeles, the Wilshire District, Beverly Hills, and Hollywood. Starline conducts tours from Hollywood to points of interest in Los Angeles, Orange, and San Diego Counties. Starline contends that the application is vague and indefinite because applicant fails to identify any particular section or geographical area of Los Angeles for the pickup or origination of its proposed tours, it is uncertain if applicant intends to offer only tours with a bilingual tour guide, and there are no facts alleged in the application concerning public convenience and necessity.

Starline requests a hearing to (a) indicate the extent of its existing authority which duplicates in part the authority requested by applicant; (b) show the type of operation it conducts; (c) show the facilities and equipment it uses in providing service; (d) provide information on its employees and their experience in the sightseeing business; (e) show the adverse financial and operational consequences on it if applicant is granted the authority it seeks and if there is any significant diversion of traffic from it to applicant; and (f) show that there is a lack of public convenience and necessity for any additional operator, based on applicant's experience. Starline would cross-examine applicant's operating witnesses concerning the feasibility of

applicant's operations from both a financial and operational standpoint and it would cross-examine any public witnesses presented by applicant to demonstrate that the proposed services are unnecessary and duplicative of the existing services.

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, and confirmed in D.82-09-037 issued September 22, 1982 (opinion on rehearing), 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.

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 Series 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. UC Brothers (USA), Inc. is granted a temporary certificate of public convenience and necessity to operate a sightseeing-tour service over the routes proposed in the application until further order of the Commission and is assigned Passenger Stage Corporation PSC-1286. A permanent certificate prepared by this Commission may be issued by a final order.

2. Applicant 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 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.

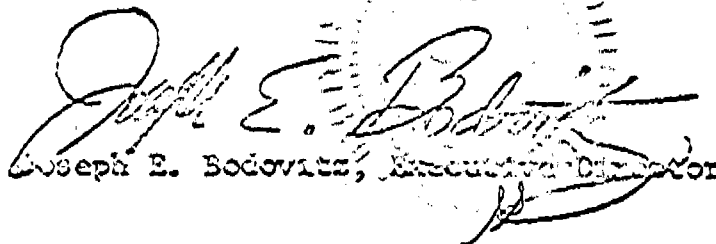
- e. Maintain accounting records in conformity with the Uniform System of Accounts.

This order is effective today.

Dated SEP 2 1983, at San Francisco, California.

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

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


Joseph E. Bodovitz, Executive Director