

ORIGINAL

Decision No. 88623 MAR 21 1978

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the Application of STEPHEN BLACK, doing business as SURTREKS, for certificate of public convenience and necessity to operate as a passenger stage corporation for sightseeing service between certain hotels and motels in the Carmel-Monterey area and Big Sur.

Application No. 57254 (Filed April 25, 1977)

Michael A. Antoncich, Attorney at Law, for Stephen Black, applicant, Thomas D. Albert, for Monterey Peninsula Transit, and George W. Brehmer, Jr., Attorney at Law for the City of Carmel-by-the-Sea, interested parties. Jerry H. Shiu, for the Commission staff.

OPINION

Stephen Black, an individual doing business as Surtreks, seeks a certificate of public convenience and necessity to operate as a passenger stage carrier between certain hotels and motels in the Carmel-Monterey area, on the one hand, and Big Sur, on the other hand.

No party objected to the entire application, but the Monterey Peninsula Transit District questioned whether the certificate, as applied for, would allow carrying casual passenger traffic, and the city of Carmel wished certain restrictions placed in the certificate concerning routing through Carmel.

2000000000

Public hearing was held in Seaside on June 30, 1977. In the opinion of the Administrative Law Judge, the applicant was not properly prepared with a showing of financial fitness, and there were also questions regarding the lease of the vehicle to be used. A second hearing was held in Seaside on September 20, 1977 to resolve these matters.

Proposed Route and Service

Applicant proposes to pick up passengers at the following hotels and motels:
Holiday Inn, Monterey
Del Monte Hyatt House, Monterey
Del Monte Lodge, Pebble Beach
Pine Inn, Carmel
La Playa Hotel, Carmel
Quail Lodge, Carmel Valley
Holiday Inn, Carmel
Highland Inn, Carmel Highlands

He would then proceed to various points of interest in and near Big Sur, as set out in Exhibit 2, in the following order: the Old Coast Highway, the state parks, the Coast Gallery, the Phoenix Shop, Nepenthe, and Ventana.

Applicant proposes a luncheon tour and a dinner tour, with the fare as \$20 for the luncheon tour and \$26 for the dinner tour. The Transportation Division representative pointed out that the cost of the transportation should be stated separately. We will require this.

From June 1 through September 30 the applicant proposes daily operation as follows:

Luncheon Tour: Pick up passengers at the first hotel or motel at 9:00 a.m.; proceed to the rest of the hotels and motels; arrive at Julia Pfeiffer Burns State Park at 10:30 a.m.; arrive at Big Sur shops at 11:30 a.m.; arrive at luncheon stop at 12:30 p.m.; leave Big Sur at 1:15 p.m.; arrive Carmel-Monterey area at 2:00 p.m.

Dinner Tour: Leave from first motel at 2:00 p.m.; arrive state park 4:00 p.m.; arrive shopping stop 4:45 p.m.; arrive at dinner stop 5:30 p.m.; leave Big Sur 6:15 p.m.; arrive Carmel-Monterey area 7:00 p.m.

At other times of the year service would essentially be an on-call operation, stopping at the same Big Sur points of interest. Applicant has no employees and for the present would operate the tours himself. In answer to the Transit District's query, applicant testified that he would sell round-trip fares only and would not accept passengers for, or pick up passengers at, intermediate points. Applicant pointed out that he would be embarking passengers directly from hotels and motels, rather than at bus stops.

The City Attorney of Carmel introduced the city's traffic ordinance (Exhibit 6). Applicant stated he intended to obey the bus routing ordinances of Carmel and any other jurisdiction his route would cover.

Several persons appeared at the September 20 hearing in support of the application, including proprietors of businesses in the Big Sur area.

Equipment Originally, applicant planned to lease a certain Mercedes-Benz 15-passenger bus from the Ventana Corporation. There was some difficulty over the lease. Therefore, applicant purchased a 1977 Dodge MaxiVan, which has been inspected by the California Highway Patrol and which is commercially licensed.

Financial Capability

Financial information presented at the September hearing indicates that the applicant has the financial ability to conduct an operation of the size proposed.

Discussion

We are of the opinion that the application should be granted. The exact operation proposed, since it will be available only to round-trip passengers, will not draw traffic from Monterey Peninsula Transit. Presently, there is no passenger bus service in the area suitable for sightseeing to Big Sur. With the establishment of the Monterey Convention Center, which is intended to draw groups from various parts of the country, a growing number of tourists will be arriving in the area by means other than their own cars. While many such persons may rent cars, others may prefer to use a sightseeing bus operation to Big Sur and vicinity.

We question only whether it is advisable for the applicant to run his route twice every day from June through September. Applicant feels that this will give the operation exposure to the general public. It will also mean increasing expenses without necessarily increasing revenues proportionately. Additionally, passenger dissatisfaction might result from a situation in which a passenger is picked up at the first point of departure (Holiday Inn, Monterey) and then driven to seven other motels on a day when only one or two other passengers are collected. Therefore, we shall structure this certificate so that he does not have to stop at pickup points unless he has a passenger for that point.

APPROVED

Findings

1. Public convenience and necessity require the establishment of the passenger stage route described herein, and as more fully set out in Exhibit I, subject to the restrictions and conditions set forth in Appendix A to this decision.
2. The price of meals and any other nontransportation items should be stated separately.
3. Round-trip tickets only should be offered, and no passengers should be accepted at points other than the hotels and motels indicated in Appendix A hereto.
4. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

Applicant is placed on notice that operative rights, as such, do not constitute a class of property which may be capitalized or used as an element of value in rate fixing for any amount of consideration for the grant of such rights. Aside from their purely permissive aspect, such rights extend to the holder a full or partial monopoly of a class of business. This monopoly feature may be modified or canceled at any time by the State, which is not in any respect limited as to the number of rights which may be given.

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Stephen Black, an individual doing business as Surtreks, authorizing him to operate as a passenger stage corporation, as defined in Section 226 of the Public Utilities Code, between the points and over the routes set forth in Appendix A of this decision.
2. In providing service pursuant to the authority granted by this order, applicant shall comply with the following service regulations. Failure so to do may result in a cancellation of the authority.

EXHIBIT

- (a) Within thirty days after the effective date of this order, applicant shall file a written acceptance of the certificate granted. Applicant is placed on notice that if he accepts the certificate he will be required, among other things, to comply with the safety rules administered by the California Highway Patrol, the rules and other regulations of the Commission's General Order No. 98-Series, and the insurance requirements of the Commission's General Order No. 101-Series.
- (b) Within one hundred twenty days after the effective date of this order, applicant shall establish the authorized service and file tariffs and timetables, in triplicate, in the Commission's office.
- (c) The tariff and timetable filings shall be made effective not earlier than ten days after the effective date of this order on not less than ten days' notice to the Commission and the public, and the effective date of the tariff and timetable filings shall be concurrent with the establishment of the authorized service.
- (d) The tariff and timetable filings made pursuant to this order shall comply with the regulations governing the construction and filing of tariffs and timetables set forth in the Commission's General Orders Nos. 79-Series and 98-Series.
- (e) Applicant shall maintain his accounting records on a calendar year basis in conformance with the applicable Uniform System of Accounts or Chart of Accounts as prescribed or adopted by this Commission and shall file with the Commission,

EXHIBIT

Section 10 of the Public Utilities Act, Chapter 1089, Statutes of California, 1939, as amended, provides that the Commission shall have the authority to issue orders to any person who is engaged in the business of operating a public utility, or who is engaged in the business of operating a public utility, to require such person to file with the Commission, and to file with the Commission, a copy of his books, records, accounts, and other documents, and to require such person to produce such books, records, accounts, and other documents, and to require such person to permit the Commission to examine and audit such books, records, accounts, and other documents, and to require such person to permit the Commission to make such copies of such books, records, accounts, and other documents as the Commission may deem necessary.

on or before March 31 of each year, an annual report of his operations in such form, content, and number of copies as the Commission, from time to time, shall prescribe.

3. Applicant shall obey all appropriate bus-routing ordinances.

The effective date of this order shall be thirty days after the date hereof.

Dated at San Francisco, California, this 21st day of MARCH, 1978.

Robert B. ...
President
William ...
...
...
...
Commissioners

Stephen Black
doing business as
SURREKS

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
TO OPERATE AS A
PASSENGER STAGE CORPORATION

PSC- 1037

Showing passenger stage operative rights, restrictions, limitations, exceptions and privileges applicable thereto.

All changes and amendments as authorized by the Public Utilities Commission of the State of California will be made as revised pages or added original pages.

Issued under authority of Decision No. 88623, dated MAR 21 1978, of the Public Utilities Commission of the State of California, in Application No. 57254.

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

Stephen Black, an individual doing business as SURTREKS, by the Certificate of Public Convenience and Necessity granted by the decision noted in the margin, is authorized to transport passengers between Monterey, Pebble Beach, Carmel, Carmel Valley and Carmel Highlands on the one hand and Big Sur on the other hand, over and along the routes hereinafter described, subject, however, to the authority of this Commission to change or modify said routes at any time and subject to the following provisions:

- (a) Motor vehicles may be turned at termini and intermediate points, in either direction, at intersections of streets or by operating around a block contiguous to such intersections, in accordance with local traffic regulations.
- (b) When route descriptions are given in one direction, they apply to operation in either direction unless otherwise indicated.
- (c) All service herein authorized shall be limited to the transportation of round-trip passengers only.
- (d) Applicant shall not pick up or discharge passengers except the specified service points as hereinafter set forth. This restriction shall not prevent stopovers for the purpose of permitting sightseeing passengers to visit various points of interest along the route.
- (e) Daily service shall be operated from June 1 through September 30 of each year.
- (f) "On call" service shall be operated from October 1 through May 31 of each year.
- (g) The term "on-call" as used herein 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.

Issued by California Public Utilities Commission.

Decision No. 88623, Application No. 57254.

SECTION 2. SERVICE POINTS.

Passengers may be picked up and discharged at any of the following described points, subject to local traffic regulations:

1. Monterey
 - (a) Holiday Inn
 - (b) Del Monte Hyatt House
2. Pebble Beach
 - (a) Del Monte Lodge
3. Carmel
 - (a) Pine Inn
 - (b) La Playa Hotel
 - (c) Holiday Inn
4. Carmel Valley
 - (a) Quail Lodge
5. Carmel Highlands
 - (a) Highlands Inn

SECTION 3. ROUTE DESCRIPTIONS.

1. Regular Route

Commencing from any service point or points as described in Section 2, over and along the most convenient and appropriate streets and roads to California State Highway 1; thence continue California State Highway 1 to any appropriate point or points in Big Sur, returning in the reverse direction.

2. Alternate Route

Commencing Old Coast Road from Bixby Bridge, thence over and along Old Coast Road approaching Andrew Molera State Park to California State Highway 1.

(END OF APPENDIX A)

Issued by California Public Utilities Commission.

Decision No. 88623, Application No. 57254.