

Decision No. 89076 JUL 11 1978

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of D. Michael and
 Martha J. Dunne (Gold Country
 Treks) to operate a bus tour
 service in Amador and Calaveras
 counties; and to establish fares.)

Application No. 57761
 (Filed December 22, 1977)

O R D E R

Daniel Michael Dunne and Martha Janet Dunne, dba Gold Country Treks (Treks), have applied for authority to operate as a passenger stage corporation for the transportation of passengers in Amador and Calaveras Counties. Proposed are three tours of the "Mother Lode" region: A tour from Jackson, a tour from Sutter Creek and a night-club tour, including stops in Sutter Creek, Plymouth, Jackson and Mokelumne Hill. Proposed fares are \$12.00, \$9.00 and \$15.00, respectively. The transportation will be provided with a 12-passenger van-style bus.

Applicants allege that there is no bus service based in the Mother Lode "providing visitors and residents with small personally guided tours of the region's historic, cultural and natural attractions", and that a need exists for the proposed service.

A copy of the application was served on the Amador County Local Transportation Commission, the Amador County Office of the California Highway Patrol, the Amador County Office of the State Department of Transportation, the Calaveras County Local Transportation Commission, the San Andreas Office of the California Highway Patrol, the San Andreas Office of the State Department of Transportation, and the Cities of Jackson, Sutter Creek, Ione, Plymouth and Amador City. Pursuant to a staff request, copies of the application were also served on Greyhound Lines, Inc., Amador Stage Line, Inc., Mr. George Freed, dba Calaveras Transit Company, The Gray Line, Inc., and Mr. R. Scott Hartz. A protest was received on behalf of A. B. Allen, dba Allen Transportation Company, and Amador Stage Line, Inc. This protest stated that "an amendment to the application to the effect that applicants will only transport individuals participating in a round-trip tour package from points of

origin to destination, with no pickup of passengers along the designated route, would satisfy the interests of Allen Transportation and Amador Stage Lines". By letter dated March 14, 1978, applicant noted that its "tours as proposed ... are clearly round-trip packages ... No passenger is picked up at one place and left off at another". The applicants being willing to accept a certificate restricted to round-trip tours only, the order that follows will so restrict applicants' operating authority. With the adoption of this restriction, and in light of the fact that no other protests have been received, a public hearing is not necessary.

Applicants' financial statement shows assets of \$45,250, liabilities of \$25,375, and net worth of \$19,875. This would appear to be an adequate financial base from which to commence a small passenger tour service as proposed herein.

The Commission finds that:

1. Applicants are ready, willing and able to provide passenger stage service over the three proposed routes.
2. Applicants possess the personnel and financial resources to institute and maintain the proposed service.
3. Public convenience and necessity require that the application be granted.
4. It can be seen with certainty that there is no possibility that the project involved in this proceeding may have a significant effect on the environment.

The Commission concludes that the application should be granted as provided in the following order.

Applicants are 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 money in excess of that originally paid to the State as the consideration for the granting 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.

O R D E R

IT IS ORDERED that:

1. A Certificate of Public Convenience and Necessity (PSC-1041) is granted to Daniel Michael Dunne and Martha Janet Dunne, doing business as Gold Country Treks, authorizing them to operate as a Passenger Stage Corporation, as defined in Section 226 of the Public Utilities Code, over the routes set forth in Appendix A of this decision.

2. In providing service pursuant to the authority granted by this order, applicants shall comply with the following service regulations. Failure so to do may result in a cancellation of the authority.

- (a) Within thirty days after the effective date of this order, applicants shall file a written acceptance of the certificate granted. Applicants are placed on notice that if they accept the certificate they 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, applicants 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 to 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) Applicants shall maintain their 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 on or before March 31 of each year, an annual report of its operations in such form, content and number of copies as the Commission, from time to time, shall prescribe.

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Since the tourist season in Amador and Calaveras Counties is already in progress, the effective date of this order is the date hereof.

Dated at San Francisco, California, this 11th
day of JULY, 1978.

Robert B. Baker
President

Philip D. Hawk
Clara T. Hedrick
Commissioners

Commissioner William Symons, Jr., being necessarily absent, did not participate in the disposition of this proceeding.

Commissioner Vernon L. Sturgeon, being necessarily absent, did not participate in the disposition of this proceeding.

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
TO OPERATE AS
A PASSENGER STAGE CORPORATION
PSC-1041

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. **89076**
dated JUL 11 1978 of the Public Utilities Commission
of the State of California, in Application No. 57761.

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

Daniel Michael Dunne and Martha Janet Dunne, doing business as Gold Country Treks, by the Certificate of Public Convenience and Necessity granted in the decision noted in the margin, are authorized as a passenger stage corporation to transport passengers on sightseeing tours in Amador and Calaveras Counties, 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) All service herein authorized shall be limited to the transportation of round-trip tour passengers only.
- (b) Applicant shall not pick up or discharge passengers except at the points specified herein. This restrictions shall not prevent stopovers for the purpose of permitting sightseeing passengers to visit various points of interest along the route.
- (c) Motor vehicles may be turned at termini and intermediate points, in either direction, at intersections of streets or by operating around a block contiguous with such intersections, in accordance with local traffic regulations.

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GOLD COUNTRY TREKS

Route 1. Jackson-Gold Country Tour

Commencing at the intersection of State Highway 88 and Broadway in Jackson, California, (pickup point), thence south on Broadway, Old Highway, and State Highway 49 to Center Street in Mokelumne Hill; thence via Main Street, Church, Old School Way, Lafayette and Main Street to State Highway 49; thence north on State Highway 49 to Clinton Road; thence via Clinton Road and State Highway 88 to the Community of Pine Grove; thence via the Pine Grove-Volcano Road to Volcano, (thence via Consolation and Ram's Horn Grade to Daffodil Hill and return to Volcano)*; thence south on Pine Grove-Volcano Road to the Chaw Se Indian Grinding Rocks State Historic Park. Thence via Pine Grove-Volcano Road, State Highway 88, Climax Road, Ridge Road, New York Ranch Road, China Graveyard Road and Jackson Gate Road to the Kennedy Mine Tailing Wheels. Thence via Jackson Gate Road, Oneida Street and Church Street to the Amador County Museum. Thence via Church Street, Court Street, Main Street, Water Street and Broadway to its intersection with State Highway 88 in Jackson.

Route 2. Sutter Creek - Gold Country Tour

Commencing at the intersection of State Highway 49 and Copher Flat Road in Sutter Creek, California, (pickup point), thence via State Highway 49, North Amelia, Spanish Street, Amelia, Old Amador City Road,

*Optional routing.

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-Dba
GOLD COUNTRY TREKSRoute 2. Sutter Creek - Gold Country Tour (continued)

String Bean Alley and State Highway 49 to its intersection with Water Street in Amador City. Thence via Water Street, School Street, Church, O'Neil Alley, Freemont Mine Road, Old Drytown-Amador Road, and thence Old Drytown-Plymouth Road for one mile only.

Thence back via Old Drytown-Plymouth Road and State Highway 49 to Empire Street in Plymouth. Thence via Empire, Locust, Sherwood, and School Road past the Amador County Fairgrounds to Main Street. Thence via Main Street, Oleta Road and Plymouth-Shenandoah Road to the D'Agostini Winery. Thence south on Fiddletown-Shenandoah Road to Tyler Road in the community of Fiddletown. Thence west on Plymouth-Fiddletown Road to State Highway 49 at Plymouth; thence south on State Highway 49 and State Highway 1 to State Highway 124; thence via State Highway 124, Old Waits Station Highway, and Palm Drive to the Preston School of Industry. Thence via State Highway 104 to Main Street in community of Ione. Thence via State Highway 104, State Highway 88, State Highway 104, Ridge Road, Old Sutter Hill Road and State Highway 49 to Eureka Street in Sutter Creek. Thence via Eureka Street, Broad Street, Randolph Street, Cole and Gopher Flat Road to its intersection with State Highway 49 in Sutter Creek.

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Route 3. Mother Lode Saloons TourPickup Points

National Hotel	2 Water Street	Jackson
Holiday Lodge	850 North Highway 49	Jackson
Linda Vista Motel	1625 North Highway 49	Jackson
Amador Motel	1850 Kennedy Flat Road	Jackson
El Campo Casa Resort Motel	1740 Kennedy Flat Road	Jackson
"9 Eureka Street"	9 Eureka Street	Sutter Creek
Sutter Creek Inn	75 Main Street	Sutter Creek
The Mine House	Highway 49	Amador City
Old Well Motel	Highway 49	Drytown
49er Trailer Village	Highway 49	Plymouth

Thence via State Highway 49 and Main Street to the Fan Club at 34 Main Street in Sutter Creek. Thence via Main Street, State Highway 49, Sutter Hill Road, Ridge Road, State Highway 49 and Jackson Gate Road to Buscaglia's Restaurant at 1218 Jackson Gate Road and/or to the Wheel Inn at 1106 North Main Street in Jackson. Thence via Jackson Gate Road and/or North Main Street, State Highway 49 and Center Street to its intersection with Main Street in Mokelumne Hill. Thence via Main Street, State Highway 49, and State Highway 88 to Broadway in the City of Jackson. Thence via Broadway and Water Street to the National Hotel at 2 Water Street; thence via Water Street and Main Street to State Highway 49 to return passengers to their points of origin.

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