

lc/dz

ORIGINAL

Decision No. 89600 | OCT 31 1978

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
of Santa Clara Valley Transportation,
Inc., for a Certificate of Public
Convenience and Necessity to operate
motor vehicle passenger stage service
(dba FunBus San Jose/Santa Clara) and
conduct sightseeing tours and attraction
shuttle service within the counties of
Santa Clara and Santa Cruz, State of
California.

Application No. 57886
(Filed February 24, 1978)

O P I N I O N

Applicant Santa Clara Valley Transportation, Inc., dba FunBus San Jose/Santa Clara (FunBus), requests a certificate to operate as a passenger stage corporation in the conduct of six separate tours and a shuttle bus service originating at motels and hotels in a specified area including, but not limited to, the cities of San Jose and Santa Clara and destined principally to specified points within the counties of Santa Clara and San Jose and return to the originating area. There are no protests to the application.

The application shows that FunBus is a wholly owned subsidiary of Town Tour FunBus Company, Inc. (Town Tours). FunBus and Town Tours have common officers. The bus equipment FunBus proposes to use in its operations will be leased from Town Tours and will consist of two 53-passenger buses, one 51-passenger bus, and one 13-passenger van. Additional buses will be leased from Town Tours as needed. Town Tours operates 17 buses.

~~Applicant's proposed Tour-1 will be a narrated city tour of San Jose and Santa Clara. The application lists 22 points of interest in those cities.~~

WR

Applicant's proposed Tour 1 lists 22 points of interest in the cities of Santa Clara and San Jose to which a narrated tour will be conducted. Tour 2 will be a shuttle service between points in the originating area and Marriott's Great America Theme Park. Tour 3 lists approximately 31 wineries in the tour. Tour 4 is a trip to Roaring Camp. Tour 5 is a trip to Marine World Africa, U.S.A. Tour 6 is a shuttle service to and from the San Jose Convention Center. Some 36 listed motels and hotels in the Santa Clara and San Jose area will comprise the origin points for the tours.

While FunBus is a newly formed corporation, its officers have successfully operated Town Tours, a passenger stage corporation and a charter party carrier, since 1972 and 1968 respectively. As of December 31, 1977, Town Tours had a net worth of \$195,000.

Attached to the application were copies of 13 letters, principally from hotels and motels from whence the tours will originate, attesting to the need for applicant's service.

After consideration, the Commission finds and concludes that applicant is fit, willing, and able to provide the requested service and should be issued a certificate of public convenience and necessity to authorize applicant to engage in operations as a passenger stage corporation as set out in the ordering paragraphs below. The Commission further concludes that it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. A hearing is not necessary. Since FunBus' peak business season is well under way, the effective date of this order should be the date hereof.

FunBus 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 money in excess of that originally paid to the State as the 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.

O R D E R

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Santa Clara Valley Transportation, Inc., a corporation, authorizing it 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.

- (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 it accepts the certificate it 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 its 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.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 31st
day of OCTOBER, 1978.

Robert Bateman
President
William Green
Virginia S. Johnson
Clayton B. Hall
Carrie T. Deibel
Commissioners

TLR/bw

Appendix A

Santa Clara Valley Transportation, Inc.
d.b.a.
Rimbus San Jose/Santa Clara

Original Title Page

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
AS A PASSENGER STAGE CORPORATION

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

PSC-1055

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. 89600,
dated _____, of the Public Utilities
Commission of the State of California, in Application No. 57886.

SECTION 1. GENERAL AUTHORIZATIONS, RESTRICTIONS,
LIMITATIONS AND SPECIFICATIONS

Santa Clara Valley Transportation, Inc., doing business as FunBus San Jose/
Santa Clara, by the Certificate of Public Convenience and Necessity granted by the
decision noted in the margin, is authorized to transport passengers between points
in the City of Santa Clara and the City of San Jose on the one hand, and points of
interest in Santa Clara County and Santa Cruz County on the other hand, over and along
the route hereinafter described, subject, however, to the authority of this Commission
to change or modify said route 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) All tours shall be round trip.
- (c) All tours shall be for the complete trip as hereinafter described.
- (d) Applicant shall pick up or discharge passengers only at hotels or motels within the limits of the service area as hereinafter set forth.
- (e) As used herein, the term "Hotel" or "Motel" shall not include hospitals, institutions where housing is under legal restraint, or apartment houses where occupants generally occupy the premises upon a leased or month-to-month basis.

SECTION 2. DESCRIPTION OF AREAS AND LOCATIONS

Service area shall be bounded on the north by State Route 237, on the west by State Route 85 Freeway, Saratoga-Sunnyvale Road and Saratoga-Los Gatos Road, on the south by Blossom Hill Road and on the east by State Route 101 and State Route 17.

SECTION 3. ROUTE DESCRIPTION

Tour 1: Narrated city tour of San Jose/Santa Clara commencing at hotels or motels within the service area along the most appropriate and convenient route to any or all of the following points of interest with stops to be made to permit passengers to tour such points. The return shall be over the most appropriate and convenient route to the points of origin within the service area.

Buddhist Temple (1)
640 N. 5th St.
San Jose

Frontier Village (7)
4885 Monterey Road
San Jose

Rosicrusian Egyptian Museum (2)
Art Gallery & Planetarium
1342 Naglee Avenue
San Jose

St. Joseph's Catholic Church (8)
55 W. San Fernando St.
San Jose

San Jose Historical Museum (3)
635 Phelan Avenue
San Jose

Levi Strauss & Co. (9)
115 Terraine St.
San Jose

Japanese Friendship Garden (4)
1300 Center Road
San Jose

San Jose State University (10)
125 S. 7th St.
San Jose

Winchester Mystery House (5)
525 S. Winchester Blvd.
San Jose

San Jose Convention Center (11)
801 N. First St.
San Jose

Casa Grande (6)
21370 Almaden Road
San Jose

Peralta Adobe (12)
St. John & Terraine Sts.
San Jose

Issued by California Public Utilities Commission.

Decision No. ~~89600~~, Application No. 57886.

Tour 1 (Continued)

Roberto Sunoi Adobe (13)
770 Lincoln Ave.
San Jose

Town & Country Shopping Center (14)
2980 Stevens Creek Blvd.
San Jose

San Jose Civic Center & Historical (15)
Locales
Within St. James, 3rd, San Carlos
and Vine Sts.
San Jose

Trinity Episcopal Church (16)
81 N. 2nd St.
San Jose

Municipal Rose Garden (17)
Naglee Ave. at Dana St.
San Jose

Pruneyard Shopping Center (18)
Bascom Ave. at Campbell
Campbell

Santa Clara International Swim Center (19)
24626 Patricia Avenue
Santa Clara

Marriott's Great America (20)
Coffin Rd. at Hwy. 101
Santa Clara

University of Santa Clara Campus (21)
Mission Santa Clara De Asis
De Saisset Art Gallery & Museum
The Alameda
Santa Clara

Santa Clara Civic Center (22)
Museum and Rare Statue Collection
Triton Museum of Art
Warburton Avenue
Santa Clara

Issued by California Public Utilities Commission.

Decision No. 89600, Application No. 57886.

Tour 2. Marriott's Great America Theme Park Shuttle Service

Commencing at hotels or motels within the service area along the most appropriate and convenient route to the Great America Theme Park, returning by the most appropriate and convenient route to point of origin within the service area.

Tour 3. Wine Tour

Commencing at hotels or motels within the service area along the most appropriate and convenient route to any or all of the following wineries with stops to be made to permit passengers to tour such wineries. The return shall be over the most appropriate and convenient route to point of origin within the service area.

List of Wineries

Woodside Vineyards
450 Kings Mountain Rd.
Woodside

San Martin Winery
13000 Depot Ave.
San Martin

Llords & Elwood Winery
1766 Rogers Ave.
San Jose

Bertero Winery
3920 Hecker Pass Hwy.
Gilroy

La Purisima Winery
725 Sunnyvale-Saratoga Rd.
Sunnyvale

Richert & Sons, Inc.
18980 Monterey
Morgan Hill

Thomas Kruse Winery
4390 Hecker Pass Rd.
Gilroy

Almaden Vineyards
1540 Blossom Hill Rd.
San Jose

Los Altos/Rapazzine Bros.
4350 S. Monterey Rd.
Gilroy

Gemello Filice Winery
2003 El Camino Real West
Mountain View

Emilio Guglielmo Winery
1480 E. Main Ave.
Morgan Hill

Ridge Vineyards, Inc.
17100 Montebello
Cupertino

Pedrizzetti Winery
1645 San Pedro Ave.
Morgan Hill

J. Lohr Wineries
1000 Lenzen Avenue
San Jose

Issued by California Public Utilities Commission.

Decision No. 89600, Application No. 57886.

Tour 3. Wine Tour (Continued)

Conrotto Winery
Highway 152
Gilroy

Mirassou Vineyards
Rt. 3 Box 344 Aborn Rd.
San Jose

Bonesio Winery
11550 Watsonville Rd.
Gilroy

Vina Vista Vineyards & Winery
2689 Bayshore Frontage Rd.
Mountain View

Hecker Pass Winery
4605 Hecker Pass Hwy.
Gilroy

Brookside Winery
200 El Camino Real East
Mountain View

Live Oak Winery
3875 Hecker Pass Hwy.
Gilroy

Bargetto Winery
3535 A Main
Soquel

Fortino Winery
4525 Hecker Pass Hwy.
Gilroy

Novitiate Wineries
College Avenue
Los Gatos

Nicasie Vineyards
14300 Nicasio Way
Soquel

Felice Winery
Highway 101
Morgan Hill

Kirigin Cellars
11550 Watsonville Rd.
Gilroy

Paul Masson Vineyards
13250 Saratoga Ave.
Saratoga

David Bruce
21439 Bear Creek Rd.
Los Gatos

Weibel Champagne Vineyards
1250 Standard Ave.
Fremont

Casa de Fruta Wine Cellars
San Benito Vineyards Hwy. 152
Hollister

Issued by California Public Utilities Commission.

Decision No. 89600, Application No. 57886.

Tour 4. Roaring Camp

Commencing at hotels or motels within the service area south via State Route 17, then north on Graham Hill Road to the "Roaring Camp and Big Trees Narrow Gauge Railroad" in Felton, and returning over the reverse route to points of origin in the service area.

Tour 5. Marine World Africa USA.

Commencing at hotels or motels within the service area north via State Route 101 to Marine World Parkway, northwest on Marine World Parkway to Marine World Africa USA in Redwood City and returning over the reverse route to points of origin within the service area.

Tour 6. San Jose Convention Center Shuttle Service

Commencing at hotels or motels within the service area along the most appropriate and convenient route to the San Jose Convention Center, returning by the most appropriate and convenient route to point of origin within the service area.

Issued by California Public Utilities Commission.

Decision No. 89600, Application No. 57886.