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Decision No. 90299 MAY 8 1979**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of VISTA CALIFORNIA)
 TOURS, INC., a California corpora-)
 tion dba VISTA LIMOUSINE SERVICE)
 for a class "B" certificate to)
 operate as a charter party carrier)
 of passengers, San Francisco.)
 (TCP 59-B))

Application No. 58043
 (Filed May 3, 1978)

O P I N I O N

Vista California Tours, Inc., doing business as Vista Limousine Service, requests authority to operate as a Class "B" charter-party carrier of passengers from South San Francisco in San Mateo County. According to the application, applicant proposes to operate a 1977 17-passenger Ford van and a 1977 21-passenger Ford van.

The application was protested by American Buslines, Inc.; Falcon Charter Service; Greyhound Lines, Inc.; Hi-Way Tours; Sequoia Stages (doing business as Eastshore Lines); and Trailways, Inc. By letter dated October 10, 1978, applicant's attorney amended the application by restricting the requested authority to vehicles having seating capacities of 21 or fewer passengers in addition to the driver. Subsequently, all the protestants withdrew their protests.

The applicant currently operates under Charter-party Permit No. 665-P which authorizes service only with vehicles under 15-passenger seating capacity and under 7,000 pounds gross weight. According to the inventory attached to its current permit, the applicant operates 18 vehicles with seating capacities ranging from 8 to 14 passengers.

In its application, applicant alleges that it has operated as a radial highway common carrier since March, 1977, and as a charter-party carrier of passengers since March, 1976. Applicant also alleges that its personnel have had combined passenger transportation experience

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of more than 35 years. According to the financial statement attached to the application, the applicant's net income for the period of February 1, 1977 through December 31, 1977 was \$20,400.

Applicant has submitted a written statement alleging that the applicant has had repeated requests for service utilizing vehicles which seat 15 to 21 passengers; that this service would facilitate the use of interpreters and enhance passenger convenience; and that one larger vehicle in place of two smaller vehicles would conserve fuel and be economical, particularly in light of current fuel costs and availability. We are of the opinion that the application, as amended, should be granted.

F I N D I N G S

1. Applicant has the ability, experience, and financial resources to perform the proposed service.
2. Public convenience and necessity require that the service proposed by applicant be established.
3. Applicant should be authorized to pick up passengers within a radius of 40 air miles from its home terminal at 323 So. Canal Street, South San Francisco.
4. It is reasonable to include the following restrictions in the Class B charter-party carrier of passengers certificate to be issued to applicant:
 - a. Applicant shall operate only vehicles having a seating capacity of 21 or fewer passengers in addition to the driver.
 - b. Applicant shall not conduct any operation on the property of or into any airport unless it has a prearranged order for such service.
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.

6. A public hearing was originally scheduled in accordance with Public Utilities Code Section 5375.1, but since all the protesters withdrew their protests, the hearing would have served no useful purpose and, pursuant to applicant's request, was accordingly canceled.

The Commission concludes that the proposed authority should be issued as provided in the following order.

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 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, to be renewed each year, shall be granted to Vista California Tours, Inc., authorizing it to operate as a Class B charter-party carrier of passengers, as defined in Section 5383 of the Public Utilities Code, from a service area encompassing a radius of 40 air miles from applicant's home terminal at 323 So. Canal Street, South San Francisco, subject to the following restrictions:

- a. Applicant shall operate only vehicles having a seating capacity of 21 or fewer passengers in addition to the driver.
- b. Applicant shall not conduct any operation on the property of or into any airport unless it has a prearranged order for such service.

2. In providing service pursuant to the certificate herein granted, applicant shall comply with and observe the following service regulation. Failure so to do may result in cancellation of the operating authority granted by this decision.

Applicant will be required, among other things, to comply with and observe the safety rules administered by the California Highway Patrol, General Order No. 98-Series, and the insurance requirements of the Commission's General Order No. 115-Series.

The effective date of this order ^{is} ~~shall be thirty days after~~ ^{the date hereof.}

Dated at San Francisco, California, this 8th day of MAY, 1979.

Commissioner Richard D. Gravelle, being necessarily absent, did not participate in the disposition of this proceeding.

John E. Bryan
President
Vernon L. Sturgeon

Clare J. Smith
Donald W. Jones
Commissioners