

ORIGINAL

JUL 3 1979

Decision No. 90515

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of Santa Clara Valley Transportation, Inc. (dba FunBus of San Jose/Santa Clara) for a certificate of public convenience and necessity, in conjunction with existing authority granted by Decision No. 89600, to operate sightseeing service of the City of San Francisco and environs originating and terminating solely within the authorized service area of Santa Cruz and Santa Clara Counties.

Application No. 58563
(Filed December 29, 1978)

O P I N I O N

The applicant, Santa Clara Valley Transportation, Inc., doing business as FunBus of San Jose/Santa Clara, is a California corporation with its principal place of business located in the city of Anaheim, California. Applicant presently holds a certificate of public convenience and necessity authorizing it to operate as a passenger stage corporation to provide various sightseeing tours in Santa Cruz and Santa Clara Counties. Applicant also holds a Class A charter permit (TCP 144-A) and has provided charter service in the State of California since 1968.

Applicant's parent company (The Town Tour FunBus Company, Inc.) has operated as a passenger stage corporation since 1972. It operates nine routes in and around the Anaheim/Buena Park area and from this area to Los Angeles. To date its scheduled service has provided transportation for an estimated 4,000,000 passengers.

Applicant has applied to request a certificate of public convenience and necessity to operate as a passenger stage corporation conducting sightseeing service from Santa Cruz and Santa Clara Counties to the city of San Francisco with the tours originating and terminating solely within the previously designated area of Santa Cruz and Santa Clara.

The tours will leave applicant's San Jose terminal at about 9 a.m.; drive north on Route 101 or 200 to Palo Alto, stop for sightseeing at Stanford University, then continue north on Route 280 to Route 92, where it turns west to Half Moon Bay on Route 1, then follows Route 1 to Route 35, thence to Golden Gate Park for the third stop on the tour. Other stops may be made in the San Francisco area and the scheduled route will return to San Jose arriving at approximately 4:30 p.m.

Applicant is proposing to charge a fare of \$18 for adults and \$14 for children 4 through 11 years of age and senior citizens. Children under 4 years old not occupying a seat will be transported free. Tours will be available every day of the year with the exception of Christmas, but tours will not be operated unless a minimum of six adult passengers have confirmed. Applicant will provide service with a 1964 45-passenger GMC, a 1961 53-passenger GMC, a 1967 53-passenger GMC, and a 1972 13-passenger van. Additional equipment will be available from the parent company, if additional vehicles are required.

The application alleges that more than 2.7 million visitors were accommodated in the San Jose area during 1978 and that this total was 300,000 more than the previous year. It further alleges that Santa Clara had 35 confirmed conventions for the 1977/1978 period. It alleges that the area has an air terminal for 13 major airlines and an Amtrak station, in addition to several intrastate bus terminals. It alleges that despite the influx of visitors to both San Jose and San Francisco, there are no sightseeing buses connecting these points.

Applicant mailed a copy of the application to the six major bus companies operating in the area. Greyhound Lines, Inc. filed a protest on January 2, 1979. The protest was withdrawn on February 16, 1979 after applicant filed an amendment to the application. There have been no other objections and the Commission's Transportation Division staff has recommended that the application be granted ex parte.

Findings of Fact

1. Applicant has the ability, experience, equipment, and financial resources to perform the proposed service.
2. Public convenience and necessity require that the service proposed by applicant be established.
3. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.
4. A public hearing is not necessary.

Conclusion of Law

The application should be granted to the extent set forth in the ensuing order. As the proposed service is requested to be performed during the current summer season, the order will become effective on the date hereof.

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 is granted to Santa Clara Valley Transportation, Inc., doing business as FunBus of San Jose/Santa Clara, authorizing it to extend operations as a passenger stage corporation, as defined in Section 226 of the Public Utilities Code, between Santa Clara and Santa Cruz Counties, on the one hand, and Palo Alto, Half Moon Bay, and San Francisco, on the other hand.
2. Appendix A of Decision No. 89600 is amended by incorporating First Revised Page 1, in revision of Original Page 1, and Original Page 7 attached hereto.

3. In providing service pursuant to the authority granted by this order, applicant shall comply with the following service regulations. Failure to do so 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 one day after the effective date of this order on not less than five 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 JUL 3 1979, at San Francisco, California.

John E. Bryan
President
William L. Stegman
Charles D. Howell
Charles J. DeLoach
Herbert M. Goldhamer
Commissioners

Appendix A
(Dec. 89600)

SANTA CLARA VALLEY TRANSPORTATION, INC.
dba
FunBus San Jose/Santa Clara

First Revised
Page 1 Cancels
Original Page 1

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, *San Francisco 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.

Issued by California Public Utilities Commission.

*Amended by Decision No. 90515, Application No. 58563.

Tour 7. San Francisco Tour

Commencing at hotels or motels within the service area thence north on I-280 to State Route 92, thence west on State Route 92 to SR 1 in Half Moon Bay, thence north on SR 1 to SR 35, thence north on SR 35 to the certain points of interest within the City of San Francisco. The return shall be south on SR 101 to I-280, thence south on I-280 to point of origin within the service area.

List of Points of Interest

Golden Gate Park and Japanese Tea House
Cliff House
Presidio
Golden Gate Bridge
Fisherman's Wharf ✓
Telegraph Hill
Chinatown
Civic Center
Mission Dolores ✓
Opera House
A Cable Car Turnaround

Issued by California Public Utilities Commission.

Decision No. 90515, Application No. 58563.