

ORIGINAL

Decision No. 90599 JUL 31 1979

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application)
of STUART ALAN MESSNICK, dba CO-)
ORDINATORS SIGHTSEEING TOURS, for)
a certificate of public con-)
venience and necessity to operate)
a transportation service between)
points in Los Angeles and Orange)
Counties to the Rose Bowl in the)
City of Pasadena.)

Application No. 58542
(Filed December 19, 1978)

Stuart Alan Messnick, for himself, applicant.
John Cockburn, for United Transportation
Union; and Paul Davis, for Immetta's
Ticket Service; interested parties.
William Austin, for the Commission staff.

O P I N I O N

Stuart Alan Messnick, dba Co-Ordinators Sightseeing
Tours (Co-Ordinators), seeks a certificate of public convenience
and necessity, pursuant to Section 1031, et seq., of the Public
Utilities Code, to transport passengers from major hotels and
motels in Los Angeles and Orange Counties to the Rose Bowl in
Pasadena to view the Rose Bowl and Super Bowl football games.

A public hearing was held in Los Angeles before
Administrative Law Judge N. R. Johnson on April 30, 1979, and
the matter was submitted on that date. Testimony was presented
on behalf of applicant by himself, by the superintendent of
services of the Newporter Inn, and by the manager of Box Office,
a wholly owned subsidiary of Co-Ordinators. Initially, The
Gray Line Tours Company (Gray Line) indicated it would protest
the granting of the requested authority but later withdrew its
protest.

Co-Ordinators currently operates a fleet of modern passenger coaches pursuant to a Class "A" charter certificate as well as a variety of sightseeing services pursuant to passenger stage authority granted by PSC 964. According to the record, Co-Ordinators presently has 14 buses, plans to acquire an additional 18 buses, and has commitments for up to 200 buses on a minimum of five hours advance notice.

It is proposed to leave the Newport Beach/Costa Mesa area at 9:30 a.m., the Anaheim/Buena Park/Santa Ana area at 10:00 a.m., the West Los Angeles/Van Nuys/Valley area at 10:30 a.m., and arrive at the Rose Bowl approximately one and one-half hours before game time. The return trips will be predicated on the end of the games. The proposed round-trip fare is \$12 per person.

According to the testimony, Co-Ordinators transported approximately 3,000 people to the Rose Bowl game on January 1, 1978 but cut sales to 550 people for the January 1, 1979 game. Co-Ordinators alleges that Gray Line provides tours for the Rose Parade and Rose Bowl game as a combination package but will not provide transportation for the game only. Also, according to the testimony, Gray Line will not pick up passengers at Newport Beach.

The financial statement submitted with the application indicates that as of November 20, 1978, Co-Ordinators has total assets of \$1,962,800 and total liabilities of \$285,500.

Co-Ordinators alleges that granting the application permitting the use of multi-passenger vehicles in lieu of personal automobile will reduce the amount of fuel consumed and overall levels of noxious emissions in the atmosphere.

Discussion

In determining whether or not to grant a certificate the Commission considers such factors as: (1) public requirements for the service, (2) adequacy of existing service, (3) adequacy of proposed service, (4) quality of proposed service, (5) revenue requirements and rates, (6) technical feasibility, (7) technical competence and financial integrity of the operator, (8) economic feasibility of the proposed operations, and (9) present operations. (Silver Beehive Tel. Co. (1970) 71 CPUC 304.)

We are persuaded that the proposed operations meet the above criteria.

Findings of Fact

1. Co-Ordinators has sufficient equipment, experience, and financial resources to perform the proposed service.

2. Co-Ordinators has met the burden of proving public convenience and necessity for the purposes of the proposed operations.

3. Public convenience and necessity require that the service proposed by Co-Ordinators be certificated.

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.

Conclusion of Law

The Commission concludes that the application should be granted as set forth in the ensuing order.

For convenience in describing Co-Ordinators' complete authority the order which follows will provide for the issuance of an in-lieu certificate restating all of his operating authority in appendix form and the revocation of the certificates presently held by him.

Co-Ordinators is hereby 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 over a particular route. 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 Stuart Alan Messnick, dba Co-Ordinators Sightseeing Tours, authorizing him to extend operations as a passenger stage corporation, as defined in Section 226 of the Public Utilities Code, to provide the requested service as set forth in Appendix A attached hereto and made a part hereof.

2. In providing service pursuant to the authority granted by this order, he 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, he shall file a written acceptance of the certificate granted. He 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, he shall establish the authorized service and file tariffs and time-tables, 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) He 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, 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. The certificate of public convenience and necessity granted in paragraph 1 of this order and stated in Appendix A, attached hereto, shall supersede the certificates of public convenience and necessity granted by Decisions Nos. 87034 and 89010 in Applications Nos. 56634 and 57858, respectively, which certificates are revoked effective concurrently with the effective date of the tariff filings required by paragraph 2(b).

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

Dated JUL 31 1979, at San Francisco, California

John E. Coyne
President

Robert D. ...
...
Commissioners

/nb

Appendix A

STUART ALAN MESSNICK
doing business as
THE CO-ORDINATORS

Original Title Page

CERTIFICATE

OF

PUBLIC CONVENIENCE AND NECESSITY

PSC - 964

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. 90599,
dated JUL 31 1979, of the Public Utilities Commission
of the State of California, in Application No. 58542.

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

The certificate hereinafter noted supersedes all operative authority heretofore granted to Stuart Alan Messnick, doing business as The Co-Ordinators.

Stuart Alan Messnick, doing business as The Co-Ordinators, by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to transport passengers (Route 1) between certain points named herein in Buena Park, Anaheim, and Santa Ana, on the one hand, and San Ysidro, California, on the other hand, and intermediate points for tour stops only, over and along the routes described herein; and (Route 2) between points in the "Newport Beach Tour" Service Territory as herein described, on the one hand, and Newport Beach, on the other hand; and (Routes 3 through 8) between certain points in Los Angeles County, on the one hand, and Anaheim Stadium, on the other hand, for the limited purpose of transporting passengers to and from Los Angeles Rams football events; and (Route 9) between points in the "Rose Bowl" Service Territory and the Rose Bowl stadium in Pasadena; all of the above routes subject to the authority of this Commission to change or modify the authority 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 single-day, round-trip passengers only.
- (d) For all service the availability of seats shall be predicated upon advance reservations.
- (e) Carrier shall not transport any baggage except hand-carried items of the passengers.
- (f) Service on Route 1 shall be performed subject to a minimum of eight (8) passengers.
- (g) Service on Route 2 shall be performed subject to a minimum of thirty (30) passengers.
- (h) No passengers on Route 1 shall be transported except those having point of origin and destination at one of the following points:
 - (1) Buena Park Hotel and Holiday Inn, Buena Park.
 - (2) Sheraton Motor Hotel, Disneyland Hotel, Quality Inn Hotel, Hyatt House Hotel, The Boxoffice, and Howard Johnson's Hotel, Anaheim.
 - (3) Saddleback Inn, Santa Ana.

This restriction shall not prevent stopovers for the purpose of permitting sightseeing passengers to visit various points of interest along the route as noted herein.

- (i) Carrier shall not pick up or discharge passengers on Route 2 except within the limits of the specified service area 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 as noted herein.

- (j) Carrier on Route 1 shall make stopovers at San Juan Capistrano, San Clemente, and San Onofre as points of interest.
- (k) Carrier on Route 1 is permitted to make a stopover at San Diego for rest and meals only.
- (l) Service on Routes 3 through 8 shall be limited to the transportation of passengers to and from football games of the Los Angeles Rams when such games are scheduled at Anaheim Stadium.
- (m) Service on Routes 3 through 8 shall be performed subject to a minimum of 24 passengers per route with combining of routes permitted, provided current timetables filed with the Commission reflect actual service offered.
- (n) No service on Routes 3 through 8 shall be provided to passengers whose origin and destination are both wholly within Los Angeles County or wholly within Orange County.
- (o) Service on Route 9 shall be limited to the transportation of passengers to and from the Rose Bowl football game or to the Super Bowl football game.
- (p) Service on Route 9 shall be performed for a minimum of eight passengers.

SECTION 2. DESCRIPTION OF SERVICE TERRITORIES.

Newport Beach Tour Pickup Service Area
(applicable only for Route 2):

The portion of Orange County bordered by Los Angeles County on the north, State Highway 55 on the east, Knott Avenue in Orange County on the west, and the Pacific Ocean on the south.

Rose Bowl Pickup Service Area
(applicable only for Route 9):

Beginning at the intersection of State Highway 1 (Pacific Coast Highway) and Sunset Boulevard, northeasterly on Sunset to Interstate 405, north on Interstate 405 to Highway 101 (Ventura Freeway), east on 101 and State Highway 134 to Interstate Route 5, southeasterly on Interstate Route 5 to Interstate Route 10, east on Interstate Route 10 to State Route 57, southerly on State Route 57 to Interstate Route 5, southeasterly on Interstate Route 5 to Intersection with State Highway 1 (Pacific Coast Highway), northerly on State Highway 1 to Sunset Boulevard, point of beginning.

SECTION 3. ROUTE DESCRIPTION.

Route 1. Anaheim - Santa Ana - San Ysidro.

Beginning at Buena Park Hotel, 7675 Crescent Ave., Buena Park, over the most appropriate and convenient streets and freeways to pick up passengers at Holiday Inn, Buena Park; Sheraton Motor Hotel, Disneyland Hotel, Quality Inn Hotel, Hyatt House Hotel, The Boxoffice, and Howard Johnson's Hotel, Anaheim; and Saddleback Inn, Santa Ana, continue over the most appropriate streets and freeways to San Juan Capistrano, San Clemente, San Onofre, San Diego, and to San Ysidro.

Route 2. Anaheim - Newport Beach.

Beginning at the terminal located at 304 East Katella Way, Anaheim, thence east on Katella Way, south on Interstate Highway 5, California Highway 55 and to the junction of California Highway 55 and Washington Street in Newport Beach where the passengers will disembark from the buses and board a vessel for an evening sightseeing tour of the Newport Beach Harbor.

Routes 3. San Fernando Valley - North Hollywood - Hollywood - Anaheim.

Beginning at Sherman Way and Topanga Canyon Boulevard, where passengers are boarded; south on Topanga Canyon Boulevard to U.S. 101 (Ventura Freeway); east on U.S. 101 to Tujunga Avenue; north on Tujunga to Riverside Drive, where passengers are boarded; return to southerly on U.S. 101 (Hollywood Freeway) to Hollywood Boulevard off ramp, where passengers are boarded; southerly on U.S. 101 to Interstate 5 (Golden State Freeway); southerly on Interstate 5 to State Highway 91 (Artesia Freeway); east on State Highway 91 to State Highway 57 (Orange Freeway); south on State Highway 57 to Orangewood Avenue in Anaheim; west on Orangewood Avenue to Anaheim Stadium parking lot.

Route 4. West Los Angeles - Anaheim

Beginning at Avenue of the Stars and Olympic Boulevard, where passengers are boarded; east on Olympic to La Cienega Boulevard; south on La Cienega to Interstate 10 (Santa Monica Freeway); east on Interstate 10 to Interstate 5 (Golden State Freeway); southerly on Interstate 5 to State Highway 91 (Artesia Freeway); east on State Highway 91 to State Highway 57 (Orange Freeway); south on State Highway 57 to Orangewood Avenue in Anaheim west on Orangewood Avenue to Anaheim Stadium parking lot.

Route 5. South Bay - Anaheim.

Beginning at Hawthorne and Manhattan Beach Boulevards, where passengers are boarded; southerly on Interstate 405 (San Diego Freeway) to State Highway 91 (Artesia Freeway); east on State Highway 91 to State Highway 57 (Orange Freeway); south on State Highway 57 to Orangewood Avenue in Anaheim; west on Orangewood Avenue to Anaheim Stadium parking lot.

Route 6. Central Los Angeles - Anaheim.

Beginning at Santa Barbara and Vermont Avenues, where passengers are boarded; south on State Highway 11 (Harbor Freeway) to State Highway 91 (Artesia Freeway); east on State Highway 91 to State Highway 57 (Orange Freeway); south on State Highway 57 to Orangewood Avenue; west on Orangewood Avenue to Anaheim Stadium parking lot.

Route 7. Pasadena - Anaheim.

Beginning at Colorado Boulevard and Arroyo ^{Parkway} Parking, where passengers are boarded, north on Arroyo to Interstate 210 (Foothill Freeway); east on Interstate 210 to State Highway 57 (Orange Freeway); south on State Highway 57 to Orangewood Avenue in Anaheim; west on Orangewood Avenue to Anaheim; west on Orangewood Avenue to Anaheim Stadium parking lot. *thd*

/NB

Appendix A

STUART ALAN MESSNICK
doing business as
THE CO-ORDINATORS

Original Page 7

Route 8. Pomona - Anaheim.

Beginning at Diamond Bar Avenue and State Highway 57 (Orange Freeway), where passengers are boarded; south on State Highway 57 to Orangewood Avenue in Anaheim; west on Orangewood Avenue to Anaheim Stadium parking lot.

Route 9. Orange County - Rose Bowl, Pasadena.

Beginning at any point within the Rose Bowl Pickup Service Area, then along the most convenient and direct routes to the Rose Bowl in Pasadena.

(END OF APPENDIX A)

Issued by California Public Utilities Commission.
Decision No. 90599, Application No. 58542.