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Decision No. 90684 AUG 14 1979

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

|  |                        |
|--|------------------------|
| In the matter of the application of )  |                        |
| Benjamin Hickey & Elizabeth Hickey )   |                        |
| husband and wife, for Certificate of ) | Application No. 58906  |
| Public Convenience and Necessity to )  | (Filed June 4, 1979;   |
| operate Tour service between )         | Amended June 14, 1979) |
| Sausalito and Mount Tamalpais. )       |                        |

O P I N I O N

Benjamin Hickey & Elizabeth Hickey, husband and wife, have applied for authority to operate as a Passenger Stage Corporation for the transportation of passengers on sightseeing tours between the ferry terminal in Sausalito and Mount Tamalpais State Park and by the amendment to transport passengers between the ferry terminal in Larkspur and Mount Tamalpais State Park.

At the present time, there is no transportation service, other than private automobile, from either the Sausalito or Larkspur Ferry terminals to the Mount Tamalpais State Park. All three of these points are tourist attractions.

Applicants plan to schedule the tours so that the users will have time to visit the tourist oriented shops near the ferry terminals and have about 45 minutes at the top of Mount Tamalpais.

Applicants show in the application balance sheet information which indicates assets of \$315,700 and liabilities \$47,000 for a net worth of \$268,700.

The filing of the application was included in the Commission's Daily Calendar on June 4, 1979. The carrier delivered copies of the application to Gray Line Inc., Hiway Tours and A.C. Cal Spanish Tour Service. In addition copies of the application were served on the appropriate governmental agencies. The Transportation Division staff recommended that the application be granted ex parte if no protests are received. No protests have been received. A public hearing is not necessary.

Applicants allege that he has had 24 years as a bus operator for Greyhound Lines, Inc. and the Golden Gate Bridge, Highway and Transportation District. He further alleges that this experience covered both scheduled operation and charter operation.

Applicants allege that they plan to purchase the necessary vehicles to perform the service. The vehicles which the applicants plan to purchase are vans of 12 to 15 passenger capacity.

The Commission finds that:

1. Applicants are ready, willing and able to provide the passenger stage service described in the application and in the amendment to the application.
2. Applicants have the assets to purchase the necessary equipment needed to provide the service.
3. Applicants have the necessary experience to adequately provide the proposed service.
4. Public Convenience and Necessity require that the application be granted, but limited to vehicles with 15 passenger capacity.
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. The public hearing is not necessary.

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 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 (PSC-1078) is granted to Benjamin Hickey & Elizabeth Hickey 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.

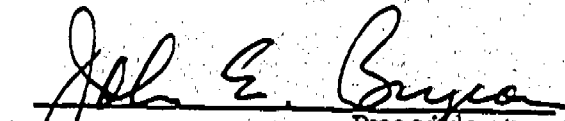
2. In providing service pursuant to the authority granted by this order, applicants shall comply with the following service regulations. Failure so to do may result in a cancellation of the authority.

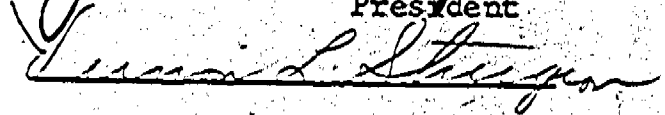
- (a) Within thirty days after the effective date of this order, applicants shall file a written acceptance of the certificate granted. Applicants are placed on notice that if they accept the certificate they will be required, among other things, to comply with the safety rules administered by the California 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 day 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.

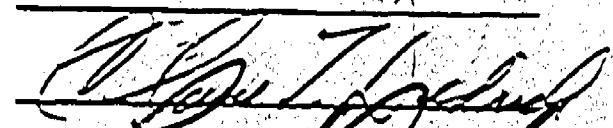

- (e) Applicants shall maintain their accounting records on a calendar year basis in conformance with the applicable Uniform System of Accounts or Chart of Accounts as prescribed or adopted by this Commission and shall file with the Commission on or before March 31 of each year, an annual report of its operations in such form, content, and number of copies as the Commission, from time to time, shall prescribe.

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

Dated AUG 14 1979, at San Francisco, California.

  
\_\_\_\_\_  
President

  
\_\_\_\_\_

  
\_\_\_\_\_  
  
\_\_\_\_\_ Commissioners

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

CERTIFICATE  
OF  
PUBLIC CONVENIENCE AND NECESSITY  
NO. 1078  
TO OPERATE AS  
A PASSENGER STAGE CORPORATION

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

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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

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Issued under authority of Decision No. 90684  
dated AUG 14 1979 of the Public Utilities Commission of the  
State of California, in Application No. 58906.

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Issued by California Public Utilities Commission.

Decision No. 90684, Application No. 58906.

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

Benjamin Hickey and Elizabeth Hickey, by the certificate of public convenience and necessity granted by the decision noted in the margin, are authorized to transport passengers between Sausalito or Larkspur on the one hand and Mount Tamalpais State Park on the other hand, 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) 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 services herein authorized shall be limited to the transportation of round-trip passengers only.
- (d) All tours shall be conducted on a continuous basis except for stops for sightseeing, meals and lodging.
- (e) Tours operated over Route 1 and Route 2 shall not be consolidated or operated in combination with one another.
- (f) Service shall be provided with vehicles seating no more than 15 passengers.

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## SECTION 2. ROUTE DESCRIPTIONS.

## Route 1. Sausalito-Mount Tamalpais State Park:

Beginning at the Ferry Terminal maintained by the Golden Gate Bridge, Highway and Transportation District in the City of Sausalito; thence via Bridgeway Boulevard to the intersection of State Highway 1; thence via State Highway 1 to the Panoramic Highway; thence via Panoramic Highway to Pan Toll Road; thence to Pan Toll Road to Ridgecrest Boulevard; thence via Ridgecrest Boulevard to Mount Tamalpais State Park. Return to the point of the beginning via the reverse of the above route.

## Route 2. Larkspur-Mount Tamalpais State Park

Beginning at the Ferry Terminal maintained by the Golden Gate Bridge, Highway and Transportation District in the City of Larkspur; thence via Sir Francis Drake Boulevard to U.S. Highway 101; thence via U.S. Highway 101 to State Highway 1; thence via State Highway 1 to Panoramic Highway; thence via Panoramic Highway to Pan Toll Road; thence via Pan Toll Road to Ridgecrest Boulevard; thence via Ridgecrest Boulevard to Mount Tamalpais State Park. Return to the point of the beginning via the reverse of the above route.

(END OF APPENDIX A)

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