

SW/NB

Decision No. 91131 DEC 18 1979

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
Kathleen G. McLaine, d.b.a. Rainbow)
Safaris, for certificate of public)
convenience and necessity to operate)
mini-bus passenger service between)
Claremont and Southern California)
mountains, deserts and coast.)

Application No. 59063
(Filed August 13, 1979)

OPINION AND ORDER

Applicant, Kathleen G. McLaine (McLaine), d.b.a. Rainbow Safari, seeks to operate a personalized common carrier sight-seeing service with nine-passenger buses along defined routes between Claremont (Los Angeles County) and points located in (1) the San Gabriel mountains; (2) the San Bernardino mountains; (3) the San Jacinto mountains; (4) the Mojave desert; (5) the lower Colorado desert; and (6) the coastal areas from Long Beach to Dana Point. Service also would be provided at intermediate points.

McLaine plans to offer four or five tours a week. The more successful tours would be repeated most frequently. Tours of the lower Colorado and Mojave desert areas would be scheduled during the fall, winter, and spring seasons. Tours of the mountain ranges would be scheduled during the spring, summer, and fall seasons.

Round trip fares assertedly would be based on time and mileage computations. The proposed fares are set forth below:

| <u>Duration of Tours</u> | <u>Individual Fares</u> |
|--------------------------|-------------------------|
| 5 hours | \$21.00 |
| 6 hours | 23.00 |
| 7 hours | 25.00 |
| 8 hours | 30.00 |

Fares would include courtesy pickup, transportation, sightseeing, and admissions. Fares would not include meals.

McLaine contends that (1) there are no personalized minibus tours operating in the Claremont area; (2) no such tours are offered to any of the geographic areas it wishes to serve; (3) there is a concentration of colleges and universities in the Claremont area with many students from out of state and otherwise, who do not now have access to vehicles in which to explore the areas sought to be served; (4) there is a large concentration of retired persons in the Claremont area, many of whom do not drive or have other access to the areas sought to be served; and (5) the proposed service would replace some automobiles, resulting in less fuel consumption and less pollution.

The financial statement of McLaine, 2921 Claremont Heights Drive, Claremont, shows a net worth of \$15,100. No house or other real estate is listed.

Copies of the application were mailed to Greyhound Corporation and the cities of Claremont, Pomona, and Upland, California. Parlor Car Tours Co., a possible competitor to applicant, is an affiliate of Greyhound. The application was noticed on the Commission's Daily Calendar of August 15, 1979. There are no protests.

It is concluded that the application should be granted. The Public Utilities Code and General Orders of the Commission require that common carriers publish tariffs containing clear and concise statements of rules and individual fares applicable

to all transportation services to be performed. Applicant may not be entirely familiar with those requirements. Fares for sightseeing services may reflect a number of cost factors, including times and distances between points. However, the fares must be published for the round trip transportation here involved in a manner that will enable patrons to determine in advance what the charges for each tour should be. McLaine's initial tariff may contain fares which are either the same or which are higher or lower than the proposed fares. Once published, however, the fares may not be increased without the necessary showing and finding required by Section 454 of the Public Utilities Code.

The findings and orders which follow will make reference to tariff filing, insurance, and certain other requirements to be followed by McLaine.

Findings of Fact

1. McLaine seeks to provide a common carrier passenger stage sightseeing service with nine-passenger buses along described routes between Claremont (Los Angeles County) and certain southern California mountain, desert, and coastal areas, as described in the application.
2. McLaine has the equipment and the financial resources to perform the proposed service.
3. McLaine should be directed to obtain liability insurance required for common carrier passenger stage corporations.
4. McLaine's tariff publication should contain clear and concise statements of rules and individual fares for the sought tours in a manner that will enable patrons to determine in advance what the charges for each tour should be.
5. The proposed individual fares are justified. Once published, fares may not be increased without the necessary showing and finding required by Section 454 of the Public Utilities Code.

6. McLaine has demonstrated that public convenience and necessity require certification of the additional sightseeing services sought.

7. The Commission does not desire to certificate a bus operation that may not be economically viable merely because the size of the vehicles may prove to be too small. Accordingly, McLaine should be authorized to use vehicles with carrying capacities not exceeding 15 passengers.

8. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

It is concluded that the sought authority should be granted. Since there are no protests and since the public will benefit from immediate institution of the service, the following order should be effective the date of signature.

McLaine 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.

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Kathleen G. McLaine, d.b.a. Rainbow Safaris, authorizing her to operate as a passenger stage corporation, as defined in Section 226 of the Public Utilities Code, between the points and over the routes as described in Appendix A hereof.

2. 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 she accepts the certificate she will be required, among other things, to comply with the safety rules of 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 her 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 her 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 DEC 18 1979, at San Francisco, California.

John E. Guyan
President
Norman L. Sturgeon
W. Paul H. Howell
Clayton J. Fredrick
Lawrence J. Smith
Commissioners

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
PSC - 1095

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. 91131,
dated DEC 18 1979, of the Public Utilities
Commission of the State of California, in Application No. 59063.

Appendix A

KATHLEEN G. McLAINE
doing business as
RAINBOW SAFARIS
(PSC-1095)

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I N D E X

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SECTION 1. GENERAL AUTHORIZATIONS, RESTRICTIONS,
LIMITATIONS, AND SPECIFICATIONS 2, 3

SECTION 2. ROUTE DESCRIPTIONS

| <u>Route</u> | <u>Route Name</u> | |
|--------------|----------------------------------|-----|
| 1 | San Gabriel Mountain Range | 4-5 |
| 2 | San Bernardino Mountain Range | 6 |
| 3 | San Jacinto Mountain Range | 7 |
| 4 | Colorado Desert - Borrego Desert | 7 |
| 5 | Mojave Desert | 8 |
| 6 | Coastal Area - Dana Point | 9 |

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Appendix A

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

Kathleen G. McLaine, doing business as Rainbow Safaris, by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to operate as a passenger stage corporation between Claremont located in Los Angeles County, on the one hand, and points of interest in the San Gabriel mountains, the San Bernardino mountains, the San Jacinto mountains, the Mojave desert, the lower Colorado desert, the coastal areas from Long beach to Dana Point and intermediate points, on the other hand, over and along the routes described herein, subject, however, to the authority of this Commission to change or modify such 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 service herein authorized shall be limited to the transportation of round-trip sight-seeing passengers only.
- (d) All trips will begin and terminate from pickup points described in Section 2.

Issued by California Public Utilities Commission.

Decision No. 91131, Application No. 59063.

SECTION 1. GENERAL AUTHORIZATIONS, RESTRICTIONS, LIMITATIONS,
AND SPECIFICATIONS. (Cont'd.)

- (e) There shall be no transportation of baggage except that which is incidental to a trip by sightseeing passengers.
- (f) All tariff publications shall contain clear and concise statements of rules and individual fares in a manner that will enable patrons to determine in advance the charges for each tour.
- (g) Service shall be restricted to the transportation of passengers in motor vehicles having a capacity not exceeding 15 passengers, including the driver.

SECTION 2. ROUTE DESCRIPTIONS.

Route No. 1. San Gabriel Mountain Range

Commencing at any point within the city limits of Claremont over and along the most appropriate route or routes to Mt. Baldy Road, north on Mt. Baldy Road to Glendora Ridge Road, thence south on Glendora Ridge Road to California State Highway 66, east on California State Highway 66, and return over and along the most appropriate route or routes to the point of beginning.

Alternate Routes

(a) Commencing at any point within the city limits of Claremont over and along the most appropriate route or routes to Interstate Highway 10(I-10), east on Interstate Highway 10(I-10) to Interstate Highway 15(I-15), thence north on Interstate Highway 15(I-15) to California State Highway 138, northwest on California State Highway 138 to California State Highway 2, thence southwest on California State Highway 2 to Interstate Highway 210(I-210) and return over and along the most appropriate route or routes to the point of beginning.

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SECTION 2. ROUTE DESCRIPTIONS. (Cont'd.)

Alternate Routes

(b) Beginning at any point within the city limits of Claremont over and along the most appropriate route or routes to Interstate Highway 210(I-210), west on Interstate Highway 210(I-210) to Interstate Highway 5(I-5), thence north on Interstate Highway 5(I-5), to California State Highway 14, northeast on California State Highway 14 to California State Highway 18, thence east on California State Highway 18 to U.S. Highway 395, south on U.S. Highway 395 to Interstate Highway 15(I-15), thence southwest on Interstate Highway 15(I-15) to Interstate Highway 10(I-10), west on Interstate Highway 10(I-10) and return over and along the most appropriate route or routes to the point of beginning.

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SECTION 2. ROUTE DESCRIPTIONS. (Cont'd.)

Route No. 2 San Bernardino Mountain Range

Beginning at any point within the city limits of Claremont over and along the most appropriate route or routes to Interstate Highway 10(I-10), east on Interstate Highway 10(I-10) to California State Highway 38, thence north on California State Highway 38 to California State Highway 18, west on California State Highway 18 to California State Highway 30, thence southwest on California State Highway 30 to Interstate Highway 15(I-15), south on Interstate Highway 15(I-15) to Interstate Highway 10(I-10), thence west on Interstate Highway 10(I-10), and return over and along the most appropriate route or routes to the point of beginning.

Alternate Routes

Beginning at any point within the city limits of Claremont over and along the most appropriate route or routes to Interstate Highway 10(I-10), east on Interstate Highway 10(I-10) to California State Highway 18, thence southwest on California State Highway 18 to California State Highway 30, south on California State Highway 30 to Interstate Highway 10(I-10), thence west on Interstate Highway 10(I-10) and return over and along the most appropriate route or routes to point of beginning.

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SECTION 2. ROUTE DESCRIPTIONS. (Cont'd.)

Route No. 3 San Jacinto Mountain Range

Beginning at any point within the city limits of Claremont over and along the most appropriate route or routes to Interstate Highway 10(I-10), east on Interstate Highway 10(I-10) to California State Highway 243, thence south on California State Highway 243 to California State Highway 74, west on California State Highway 74 to Interstate Highway 15(I-15), thence north on Interstate Highway 15(I-15) to California State Highway 60, west on California State Highway 60 to Euclid Avenue (located in the City of Ontario), thence north on Euclid Avenue to Interstate Highway 10(I-10), west on Interstate Highway 10(I-10), and return over and along the most appropriate route or routes to the point of beginning.

Route No. 4 Colorado Desert - Borrego Desert

Beginning at any point within the city limits of Claremont over and along the most appropriate route or routes to Interstate Highway 10(I-10), east on Interstate Highway 10(I-10) to California State Highway 111, thence south on California State Highway 111 to California State Highway 86, north on California State Highway 86 to Interstate Highway 10(I-10), thence west on Interstate Highway 10(I-10), and return over and along the most appropriate route or routes to the point of beginning.

Alternate Route

Beginning at any point within the city limits of Claremont over and along the most appropriate route or routes to California State Highway 60, east on California State Highway 60 to Interstate Highway 15(I-15), thence south on Interstate Highway 15(I-15) to California State Highway 79, east on California State Highway 79 to California State Highway 22, continue in an easterly direction to the Borrego Valley area and return to the point of beginning via the reverse route.

Issued by California Public Utilities Commission.

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SECTION 2. ROUTE DESCRIPTIONS. (Cont'd.)

Route 5. Mojave Desert

Beginning at any point within the city limits of Claremont over and along the most appropriate route or routes to Interstate Highway 10(I-10), east on Interstate Highway 10(I-10) to Interstate Highway 15(I-15), thence north on Interstate Highway 15(I-15), to California State Highway 127, north on California State Highway 127 to California State Highway 190, thence west on California State Highway 190 to U.S. Highway 395, south on U.S. Highway 395 to Interstate Highway 15(I-15), continue in a southwesterly direction to Interstate Highway 10(I-10), thence west on Interstate Highway 10(I-10) and return over and along the most appropriate route or routes to point of beginning.

Alternate Route

Beginning at any point within the city limits of Claremont over and along the most appropriate route or routes to Interstate Highway 10(I-10), east on Interstate Highway 10(I-10) to California State Highway 62, thence southwest on California State Highway 62 to Joshua Tree National Monument. Return via any road of egress south within the park area to Interstate Highway 10(I-10), thence west on Interstate Highway 10(I-10) and return over and along the most appropriate route or routes to point of beginning.

SECTION 2. ROUTE DESCRIPTIONS. (Contd.)

Route 6. Coastal Area - Dana Point

Beginning at any point within the city limits of Claremont over and along the most appropriate route or routes to California State Highway 60, west on California State Highway 60 to Interstate Highway 605 (I-605), thence south on Interstate Highway 605 (I-605) to California State Highway 1 (Pacific Coast Highway), south on California Pacific Coast Highway to Interstate Highway 5 (I-5), north on Interstate Highway 5 (I-5) to California State Highway 57, thence northeast on California State Highway 57 to Interstate Highway 10 (I-10), east on Interstate Highway 10 (I-10) and return over and along the most appropriate route or routes to point of beginning.

(END OF APPENDIX A)