

Decision No. 91566 APR 15 1980

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

IN THE MATTER OF THE
APPLICATION OF:

RICHARD JACOBSON, JON KAPLON and
WILLIAM MARUSA, d/b/a REAL TOURS,
FOR A CERTIFICATE OF PUBLIC CON-
VENIENCE TO OPERATE PASSENGER
SERVICE BETWEEN VARIOUS ROUTES
WITHIN LOS ANGELES COUNTY, ORANGE
COUNTY, SAN DIEGO COUNTY, SAN
FRANCISCO, ALAMEDA, MARIN COUNTIES
AND SANTA CLARA COUNTY.

Application No. 59266
(Filed November 13, 1979)

O P I N I O N

By this application, Richard Jacobson, Jon Kaplon and William Marusa, a general partnership, doing business as Real Tours, seeks authority from this Commission for a Certificate of Public Convenience and Necessity authorizing operations as a passenger stage corporation as defined in Section 226 of the Public Utilities Code, for the purpose of conducting special round-trip real property "for sale" sightseeing tours between a specified pickup point each located within the city limits of Los Angeles, Anaheim, San Diego, San Francisco and San Jose, on the one hand, and a designated service area as hereinafter described, each located within the Counties of Los Angeles, Orange, San Diego, San Francisco, Alameda, Marin and Santa Clara, on the other hand.

At present, it appears there are no passenger stage corporations based in the areas proposed to be served by applicants which furnish the type of public transportation applicants intend to provide.

TH-2

The applicants state that the general public will benefit from the proposed service by being apprised of real estate offerings and values without subjection to the concomitant pressures and limitations allegedly associated with real estate brokerage offices, and further benefit would accrue from the carrying of many passengers in a single vehicle for the purpose of viewing real estate, an activity which historically has been undertaken on an individual basis. Hence, the service would reduce fuel consumption and noxious emissions to the atmosphere.

The applicants propose conducting the service utilizing 1979 or later model 15-passenger Dodge vans. Applicants presently own one such van and plan future purchase of similar equipment.

The proposed round-trip fares for all tours conducted are \$8.00 for adults and \$4.00 for children.

The exact route of this passenger service shall be determined on a daily basis by the locations of homes and properties available for viewing, and shall additionally be predicated upon traffic conditions at the hours of the tour. The exact points of departure and return will vary on a daily basis according to convenience for passengers.

The application was listed on the Commission's Daily Calendar on November 15, 1979. No protest or request for hearing has been received.

The application before us raises the issue typical of a certificate proceeding such as public need, the fitness of the applicant including financial ability, and the like. More importantly, however, the pivotal issue in this case is whether the operations proposed herein can properly be construed to fit the definition of a passenger stage corporation. Applicant in this matter proposes to conduct a unique transportation service which caters to the real estate industry in their display of properties for sale, lease, etc. Because of the nature of the service, the origin of the transportation and the area to be served will vary on a daily basis and, therefore, will not be between fixed termini or over a regular route.

After consideration, the Commission finds that the proposed operations are not passenger stage operations under the jurisdiction of this Commission.

Based on the foregoing finding, the certificate sought is not required and the application should, therefore, be ~~denied~~ *dismissed* &

O R D E R

IT IS ORDERED that Application No. 59266 of Richard Jacobsen, Jon Kaplon and William Marusa is ~~denied~~ *dismissed*. SS

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

Dated APR 15 1980, at San Francisco, California.

President
Vernon L. Sturgeon

Richard W. Howell

Clayton D. Smith

James W. Quinn
Commissioners

Commissioner John E. Bryson,
being necessarily absent, did
not participate.

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Appendix A

RICHARD JACOBSON, JON KAPLON
AND WILLIAM MARUSA
doing business as
REAL TOURS

Original Title Page

CERTIFICATE

OF

PUBLIC CONVENIENCE AND NECESSITY

PSC-1103

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. **91566**
dated APR 15 1966, of the Public Utilities Commission
of the State of California, in Application No. 59266.

RICHARD JACOBSON, JON KAPLON
AND WILLIAM MARUSA
doing business as
REAL TOURS
PSC-1103

I N D E X

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

Richard Jacobson, Jon Kaplon and William Marusa, a general partnership, doing business as Real Tours by the certificate of public convenience and necessity granted by the decision noted in the margin, are authorized to operate as a passenger stage corporation as defined in Section 226 of the Public Utilities Code, for the purpose of conducting special round-trip real property "for sale" sightseeing tours between a specified pickup point each located within the city limits of Los Angeles, Anaheim, San Diego, San Francisco and San Jose, on the one hand, and a designated service area as hereinafter described, each located within the counties of Los Angeles, Orange, San Diego, San Francisco, Alameda, Marin and Santa Clara, on the other hand, over and along the most appropriate route or routes subject however, to the authority of this Commission to change or modify authorities granted at any time and subject to the following provisions:

- (a) Motor vehicles may be turned at termini or 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) The term "on-call" as used herein refers to service which is authorized to be rendered dependent on the demands of passengers. The tariffs and timetables shall show the conditions under which each authorized "on call service will be rendered.
- (c) The transportation service herein authorized shall be restricted to the performance of all such transportation service in vehicles not to exceed 15-passenger seating capacity including driver, and only one(1) such vehicle shall be permitted for use per each pickup point and service area.
- (d) All service herein authorized shall be limited to the transportation of round-trip passengers only.
- (e) All transportation service performed shall begin and terminate from pickup points as described in Section 2.

SECTION 2. DESCRIPTION OF SERVICE AREA AND LOCATION

Los Angeles County Service Area

From the intersection of Figueroa Street and Olympic Boulevard in the City of Los Angeles, on the one hand, to any real property locale which is offered for bonafide sale and situated within the boundary of the County of Los Angeles, on the other hand.

Orange County Service Area

From the intersection of Ball Road and Harbor Boulevard in the City of Anaheim, on the one hand, to any real property locale which is offered for bonafide sale and situated within the boundary of the County of Orange, on the other hand.

San Diego County Service Area

From the intersection of Friars Road and Stadium Way in the City of San Diego, on the one hand, to any real property locale which is offered for bonafide sale and situated within the boundary of the County of San Diego, on the other hand.

Santa Clara County Service Area

From the intersection of Guadalupe Parkway and Hedding Street, in the City of San Jose, on the one hand, to any real property locale which is offered for bonafide sale and situated within the boundary of the County of Santa Clara, on the other hand.

San Francisco-Alameda and Marin County Service Area

From the intersection of Van Ness Avenue and Golden Gate Avenue, in the City of San Francisco, on the one hand, to any real property locale which is offered for bonafide sale and situated within the boundaries of the Counties of San Francisco, Alameda and Marin, on the other hand.

(END OF APPENDIX A)