

Decision No. 91783 MAY 6 1980

J V W T U T O U

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
RUTH O. EVANS, d/b/a TRAMWAY TRANS- )  
PORTATION and TOURS, an individual, )  
to sell and FRED E. RUSS and ROBERT E. )  
OURS, individuals, d/b/a CELEBRITY )  
TOURS OF PALM SPRINGS, for authority )  
to acquire, pursuant to Section 851, )  
et seq., of the California Public )  
Utilities Code. )

Application No. 59506  
(Filed March 10, 1980)

O P I N I O N

By Decision No. 69812, dated October 19, 1965, as amended, Ray E. Evans and Ruth O. Evans, doing business as Tramway Transportation and Sightseeing Tours, were issued a certificate of public convenience and necessity (PSC-324) to operate sightseeing tours in the Palm Springs area.

By this application Ruth O. Evans, doing business as Tramway Transportation and Tours, hereinafter referred to as seller, requests authority pursuant to Section 851, et seq., of the Public Utilities Code to transfer the certificate of public convenience and necessity to Fred E. Russ and Robert E. Ours, a partnership doing business as Celebrity Tours of Palm Springs, hereinafter referred to as purchasers.

Through correspondence and telephone communication between our staff and Mrs. Evans, it was developed that Ray E. Evans, heretofore listed as her copartner, died on October 2, 1975, and bequeathed his remaining property (including the passenger stage certificate) to his surviving spouse. Concerning the bequest, Mrs. Evans never filed an application to transfer the passenger stage certificate from the deceased husband to herself. Through this proceeding, she, therefore, requests that the Commission clarify her proprietary interest in the passenger stage corporation and, then, to authorize her sale and transfer of the business.

The subsequent order will provide for the reissuance of the passenger stage certificate in the name Ruth O. Evans to allow her to transfer said certificate within the time period specified.

The seller and purchasers have entered into a written agreement on the terms and conditions for transfer of the certificate. The parties have agreed that the purchase price will be the sum of \$37,000 for certificated rights, 4 vans, and 2 Cadillac limousines.

The application was listed on the Commission's Daily Calendar of March 12, 1980. The Commission's Transportation Division staff has reviewed the application and recommends that in the absence of protest or request for public hearing, it be granted by ex parte order. No protest or request for hearing has been received. A public hearing is not necessary.

After consideration the Commission finds that the proposed transfer would not be adverse to the public interest and concludes that it should be authorized. We further find that the project involved will not have a significant effect on the environment.

The order which follows will provide for, in the event the transfer is completed, the revocation of the certificate heretofore held by Ray E. Evans and Ruth O. Evans, doing business as Tramway Transportation and Sightseeing Tours, herein reissued to Ruth O. Evans for the purpose of effecting the transfer to purchasers.

Purchasers 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.

ORDER

IT IS ORDERED that:

1. The certificate of public convenience and necessity held by Ray E. Evans and Ruth O. Evans, doing business as Tramway Transportation and Sightseeing Tours, is hereby reissued to Ruth O. Evans for the purpose of effecting the transfer authorized by Ordering Paragraph 2.

2. On or before July 1, 1920, Ruth O. Evans may sell and transfer the operative rights referred to in the application to the purchasers Fred E. Russ and Robert E. Curs, a partnership doing business as Celebrity Tours of Palm Springs.

3. Within thirty days after the transfer, the purchasers shall file with the Commission written acceptance of the certificate and a true copy of the bill of sale or other instrument of transfer.

4. Purchasers shall amend or reissue the tariffs and timetables on file with the Commission, naming rates and rules governing the common carrier operations transferred to show that they have adopted or established, as their own, the rates and rules. The tariff and timetable filings shall be made effective not earlier than five days 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 transfer. The tariff and timetable filings made pursuant to this order shall comply in all respects 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. Failure to comply with the provisions of General Orders Nos. 79-Series and 98-Series may result in a cancellation of the operating authority granted by this decision.

5. In the event the transfer authorized in paragraph 1 is completed, effective concurrently with the effective date of the tariff filings required by paragraph 3, a certificate of public convenience and necessity is granted to Fred E. Russ and Robert E. Ours, a partnership doing business as Celebrity Tours of Palm Springs, to operate as a passenger stage corporation, as defined in Section 226 of the Public Utilities Code, between the points and over the routes set forth in Appendix A, attached hereto and made a part hereof.

6. The certificate of public convenience and necessity granted to Ray E. Evans and Ruth O. Evans, doing business as Tramway Transportation and Sightseeing Tours by Decision No. 69812, as amended, and by this decision reissued to Ruth O. Evans, is revoked effective concurrently with the effective date of the tariff filings required by paragraph 3.

7. Purchasers shall comply with the safety rules of the California Highway Patrol, the rules and regulations of the Commission's General Order No. 98-Series, and insurance requirements of the Commission's General Order No. 101-Series.

8. Purchasers 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 their 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 the date hereof because the spring travel season has arrived and unless the purchasers can begin their operations soon, they will lose the advantage of the peak travel season for a full year.

Dated MAY 6 1980, at San Francisco, California.

John E. Guyan  
President  
Vernon L. Stinson  
Richard W. Howell  
Calvin J. Edwards  
James M. Smith  
Commissioners

T/AM

Appendix A

FRED E. RUSS and ROBERT E. OURS  
doing business as  
CELEBRITY TOURS OF PALM SPRINGS

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CERTIFICATE

OF

PUBLIC CONVENIENCE AND NECESSITY

PSC - 324

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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. 91783  
dated MAY 6 1980 of the Public Utilities Commission of  
the State of California, in Application No. 59506.

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

Fred E. Russ and Robert E. Ours, a partnership, doing business as Celebrity Tours of Palm Springs, by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to conduct a sightseeing service for the transportation of passengers between points and places in the City of Palm Springs, on the one hand, and points of interest in Riverside County, on the other hand, over and along the routes hereinafter described, subject to the following conditions and restrictions:

- (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 passengers only.
- (d) Passengers shall not be picked up or discharged, except within the corporate limits of the City of Palm Springs. This restriction shall not prevent stopovers for the purpose of permitting sightseeing passengers to visit various points of interest along the routes.

SECTION 1. GENERAL AUTHORIZATIONS, RESTRICTIONS, LIMITATIONS,  
AND SPECIFICATIONS. (Continued)

- (e) Service may be operated on an "on-call" basis, subject to the minimum number of passengers shown below:

Tour No. 1 - three passengers

Tour No. 2 - four passengers

Tour No. 3 - five passengers

Tour No. 4 - six passengers

Tour No. 5 - three passengers

Tour No. 6 - five passengers

Tariffs and timetables of applicant shall show the conditions under which such "on-call" service will be rendered.



SECTION 2. ROUTE DESCRIPTIONS

Subject to the authority of this Commission to change or modify such at any time, Fred E. Russ and Robert E. Ours, doing business as Celebrity Tours of Palm Springs, shall conduct passenger stage operations over and along the following described routes:

Tour No. 1

Commencing at any point in the City of Palm Springs, thence via the most direct and appropriate route to the intersection of Palm Canyon Drive and West Stevens Road, thence via West Stevens Road, Rose Avenue, Crescent Drive, North Patancio Road, West Alejo Road, South Palm Canyon Drive, Murray Canyon Drive, Camino Real, East Palm Canyon, South El Cielo Road, East Tahquitz-McCallum Way, and Palm Canyon Drive to point of origin.

Tour No. 2

Commencing at any point in the City of Palm Springs, thence via Tour No. 1 route to the intersection of Camino Real and East Palm Canyon Drive (State Highway 111), thence via State Highway 111 and 38th Avenue, also known as Wonder Palms Road, to Tamarisk Country Club, thence via Thompson's Road, 40th Avenue, State Highway 111, Date Palm Road, Ramon Road, South El Cielo Road, East Tahquitz-McCallum Way, and Palm Canyon Drive to point of origin.

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Appendix A

FRED E. RUSS and ROBERT E. OURS  
doing business as  
CELEBRITY TOURS OF PALM SPRINGS  
PSC-324

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SECTION 2. ROUTE DESCRIPTIONS. (Continued)

Tour No. 3

Commencing at any point in the City of Palm Springs, thence via Tour No. 2 route to the intersection of 40th Avenue and State Highway 111, thence via State Highway 111 to Shields Date Farm. Return via State Highway 111 to the intersection of 40th Avenue, thence via Tour No. 2 route to point of origin.

Tour No. 4

Commencing at any point in the City of Palm Springs, thence via the most direct and appropriate route to State Highway 111, thence via State Highway 111, U.S. Highway 60-70-99, Banning-Idyllwild Highway (Forestry Road R-1), thence southerly through Idyllwild to the junction of State Highway 74, thence via State Highway 74 and State Highway 111 to point of origin.

Tour No. 5

Commencing at any point in the City of Palm Springs, thence via the most direct and appropriate route to State Highway 111, thence via State Highway 111 to junction of private road (owned by Mount San Jacinto Winter Park Authority, an agency of the State of California), thence westerly to the Valley Station of the Palm Springs Aerial Tramway.

SECTION 2. ROUTE DESCRIPTIONS. (Continued)

Tour No. 6

Commencing at any point in the City of Palm Springs, thence via the most direct route to the intersection of Palm Canyon Drive, south to Moorten's Botanical Gardens, on to Indian Reservation on South Palm Canyon, back on Palm Canyon to Indian Avenue and right on Vista Chino to Palm Drive to Desert Hot Springs, to Desert View, stop at Cabot's Old Indian Pueblo Museum. Back to Palm Drive, stop at Suzi-Q's Cafe for a snack, Palm Drive to Pearson, stop at Kingdom of the Dolls, Pearson Avenue to Freeway 62 to Yucca Valley and Christs Park, to State Highway 76 to Pioneer Town, back to Freeway 62 to Highway 10 to Indian Avenue and Palm Canyon Drive to point of origin.

( END OF APPENDIX A )