

ORIGINAL

Decision No. 91933 JUN 17 1980

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application  
of MARVEY CHAPMAN, DBA 'ROUND TOWN  
TOURS, for a Certificate of Public  
Convenience and Necessity to  
operate an On-Call Historical and  
Cultural Sightseeing Tour Service  
of Los Angeles, California.

Application No. 59433  
(Filed February 6, 1980)

INTERIM OPINION

Marvey Chapman (applicant), dba 'Round Town Tours, seeks a certificate of public convenience and necessity, pursuant to Section 1032 of the Public Utilities Code, authorizing her to establish and operate an on-call automotive service for the transportation of passengers by bus on five different historical and cultural sightseeing tours of Los Angeles. The five proposed tours are as follows:

- Tour 1 - The Uncommon Market, a multicultural shopping tour which visits five ethnic neighborhoods in Los Angeles.
- Tour 2 - The Heritage of Los Angeles as seen through its Churches, a historical tour with various churches as focal points.
- Tour 3 - A City Scape of Los Angeles, an academically oriented tour of Central Los Angeles, highlighting its urban development.
- Tour 4 - Los Angeles, The Early Years, a history tour of Los Angeles of the period from the Indians through the Mexican era (1850).
- Tour 5 - Scenes of Los Angeles, a tour reviewing the founding years of Los Angeles, focusing on its history, commerce, industry, culture, and peoples.

Applicant proposes to provide pick-up service within Orange and Los Angeles Counties and from thence to proceed along the most convenient roads to the appropriate starting point for each of the above-described tours.

Applicant does not own any motor vehicle to be used in the operation of the planned tours. Applicant initially indicated that all vehicles required will be leased from duly licensed motor coach charter or vehicle rental companies. By an amendment to her application filed April 30, 1980, applicant stated her intent was to only use equipment chartered from Class A Charter Companies that currently meet the liability insurance requirements of General Order No. 101-C. The equipment used will depend on the number of participants on each tour. The 38- and 45-passenger buses proposed for use will primarily be Motor Coach International Vehicles with reclining seats and air-conditioning. The 14-passenger bus will primarily be an air-conditioned Dodge Maxivan.

Applicant's tours will be marketed primarily with a fixed fee per bus at the following rates:

	Bus <u>13</u>	Passenger <u>38</u>	Capacity <u>45</u>
Tours 1 - 4	\$280	\$350	\$400
Tour 5 and Sampler Tour	\$330	\$410	\$400

These rates apply to groups with a pick-up site within a 25-mile radius of Downtown Los Angeles. Groups picked up outside this area will be charged the following for each additional 20 miles from Downtown:

13-passenger bus	\$24.00
38-passenger bus	\$31.50
45-passenger bus	\$40.00

Prices for groups with less than full bus capacity will have the option of individual fares at the following rates:

7-10 passengers	\$25.00 per person
11-13 passengers	\$22.00 per person
14-18 passengers	\$18.00 per person
19-22 passengers	\$16.50 per person
23-30 passengers	\$14.00 per person
31-38 passengers	\$12.00 per person
39-45 passengers	\$10.50 per person

Additional mileage charge for outside the 20-mile radius will be \$2.00 per person.

Applicant requests an exemption from the liability insurance requirements of General Order No. 101-C on the grounds that applicant will charter equipment only from Class A charter companies who carry the required amounts of insurance. Applicant's request for exemption from the insurance requirement is based on her belief that such coverage would be an expensive duplication of the Class A Charter Company coverage and her contention that such costs would be so prohibitive as to preclude applicant from operating the tours.

Gray Line, Inc. and Starr Line Sightseeing Tours, the passenger stage lines now operating between any of the points to be served, were served with copies of the instant application. Further, the application was listed on the Commission's Daily Calendar on February 7, 1980. The Commission's Transportation 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.

Currently, there are no passenger stage corporations based in the areas proposed to be served by applicant which furnish the type of public transportation applicant intends to provide. The proposed service will be an on-call service for local groups who are interested in an academic orientation to local history and culture. Rather than highlighting the popular tourist sites of Los Angeles, it is contended that these tours will provide an in-depth look at the heritage and culture of the city of Los Angeles.

Applicant has shown the necessary financial ability and experience to perform the proposed service. Applicant has worked in the transportation industry in Los Angeles for five years as a public relations specialist to the Southern California Rapid Transit District and then as a private public relations consultant to the industry. During that time she has provided numerous tours of Los Angeles to dignitaries from foreign countries. Ms. Chapman also has a Masters Degree in American History with emphasis in Southwestern History.

Applicant also contends that the proposed service will not be detrimental in any way to the environment of Los Angeles and Orange Counties. Rather, the use of multi-passenger vehicles instead of private automobiles should conserve energy and lessen air pollution. Additionally, the service may encourage trips in the local area as opposed to long distance travel requiring the use of more energy.

After consideration, the Commission finds that public convenience and necessity require the granting of the application. However, for the following reason, we will grant the application on an interim basis. In two current proceedings before the Commission, Application No. 58739 and Case No. 10732, a question has arisen concerning our jurisdiction over providers of tour services who charter both the necessary equipment and the driver from an independent bus company on a per hour or per diem basis. Certain parties to the above-referenced proceedings have contended that such tour service providers are mere "transportation brokers" and do not operate as passenger

stage corporations subject to the Commission's certification requirements. Ms. Chapman's proposed service is sufficiently similar to the activity in question in Application No. 58739 and Case No. 10732 to warrant our granting the application on an interim basis, pending resolution of the jurisdiction issue in the above-mentioned matters.

A public hearing is not necessary. In the absence of protest and given applicant's readiness to offer the proposed service, this order should be effective immediately.

Findings of Fact

1. Applicant possesses the ability, experience and financial resources to perform the proposed service.
2. The proposed service for on-call transportation of local groups who are interested in an academic orientation to local history and culture is substantially different from existing service and duplicates only in a minor degree the routes of existing service.
3. There is a need for the proposed tours which are designed to provide an in-depth look at the heritage and culture of Los Angeles.

4. Applicant will not be able to operate the proposed tours unless she is exempted from the liability insurance requirements of General Order No. 101-C.

5. Since applicant will only utilize equipment chartered from companies which carry liability insurance coverage in conformance with General Order No. 101-C, public safety will not be adversely affected by granting applicant an exemption from the liability insurance coverage requirements of General Order No. 101-C. ✓

Conclusion of Law

Public convenience and necessity require that the service proposed by applicant be certificated on an interim basis. ✓

INTERIM ORDER ✓

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted Marvey Chapman (applicant) dba 'Round Town Tours, to operate on an interim basis as a passenger stage corporation, pursuant to Section 1032 of the Public Utilities Code, for the purpose of transporting passengers by bus on five different historical and cultural sight-seeing tours of Los Angeles, as hereinafter particularly described in Appendix A which is attached hereto.

2. Applicant is exempted from the liability insurance coverage requirements of General Order No. 101-C provided that the company furnishing the bus with driver for operations on the public highways has a Class A or B charter-party certificate and maintains insurance as required by the General Order No. 115-Series, provided the amounts of minimum coverage are identical to those required by the General Order No. 101-Series and provided that said coverage applies to these passenger stage operations. ✓

3. In providing the 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 administered by the California Highway Patrol, the rules and other regulations of the Commission's General Order No. 98-Series. Provided that applicant charters equipment only from Class A charter companies which carry the required amounts of insurance, applicant will be exempted from 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 Order 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 JUN 17 1980, at San Francisco, California.

John E. Bruno  
President

Dean L. Strigano

Charles J. DeFuria  
Samuel J. Jensen  
Commissioners

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



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Appendix A

MARVEY CHAPMAN  
doing business as  
'ROUND TOWN TOURS

Original Title Page

CERTIFICATE  
OF  
PUBLIC CONVENIENCE AND NECESSITY  
PSC - 1112

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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. **91933**,  
dated JUN 17 1980 of the Public Utilities Commission  
of the State of California, in Application No. 59433.

MARVEY CHAPMAN  
doing business as  
'ROUND TOWN TOURS  
(PSC - 1112)

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

Marvey Chapman, an individual, doing business as 'Round Town Tours, 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 to offer historical and cultural sightseeing tours of Los Angeles from pickup points within Los Angeles and Orange Counties, to the specific attractions named in Section 2, over and along the most convenient and appropriate streets and routes, subject, however, to the authority of this Commission to change or modify this 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 round-trip passengers only.
- (d) All trips will begin and terminate from pickup points in Los Angeles County or Orange County.
- (e) Tour stops may be eliminated at the discretion of the individual group. 'Round Town Tours may make alterations in the tour itinerary within the limits of the authority granted.

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

- (f) The tours shall be operated for a minimum of seven persons.
- (g) The company furnishing the bus with driver for operations on the public highways shall have a Class A or B charter-party certificate and shall maintain insurance as required by the General Order No. 115-Series, provided the amounts of minimum coverage are identical to those required by the General Order No. 101-Series and provided that said coverage applies to these passenger stage operations.

SECTION 2. TOUR ATTRACTIONS.

Tour 1, The Uncommon Market:

Bezjians Market, 4725 Santa Monica Boulevard,  
Los Angeles (or equivalent market)

San Remo Delicatessen, 3814 Sunset Boulevard,  
Los Angeles (or equivalent market)

Grand Central Market, Broadway and Third Street,  
Los Angeles (or equivalent market)

Grecian Importing Company, 2772 W. Pico Boulevard,  
Los Angeles (or equivalent market)

Korea Town, Olympic between Normandie and  
Western Avenues, Los Angeles

Tour 2, The Heritage of Los Angeles As Seen Through Its Churches:

Plaza Church, 420 N. Main Street, Los Angeles

St. Vibiana's Cathedral, 114 E. Second Street, Los Angeles

St. John's Church, 514 W. Adams Boulevard, Los Angeles

St. Vincent de Paul's, 621 W. Adams Boulevard, Los Angeles

St. Sophia's Cathedral, 1324 S. Normandie Avenue,  
Los Angeles

Wilshire Boulevard Temple, 3663 Wilshire Boulevard,  
Los Angeles Lawry's California Center, 568 San Fernando  
Road, Los Angeles

Tour 3, A City Scape of Los Angeles:

Pacific Stock Exchange, 618 S. Spring Street, Los Angeles

Bradbury Building, 304 S. Broadway, Los Angeles

Arco Towers, 515 S. Flower Street, Los Angeles

Elks Building, 607 S. Parkview, Los Angeles (or  
Ambassador Hotel as alternate stop, 3400 Wilshire Blvd)

Barnsdall Park, 4800 Hollywood Boulevard, Los Angeles

Tour 4, Los Angeles - the Early Years

San Gabriel Mission, 537 W. Mission Drive, San Gabriel

El Molino Viejo, 1120 Old Mill Road, San Marino

Church of the Angeles, 1100 N. Avenue 64, Pasadena

Casa de Adobe, 4603 N. Figueroa, Highland Park

Southwest Museum, 234 Museum Drive, Highland Park

Tour 5, Scenes of Los Angeles:

El Pueblo de Los Angeles State Historic Park, 420  
N. Main Street, Los Angeles

Bradbury Building, 304 S. Broadway, Los Angeles

Lawry's California Center, 568 San Fernando Road,  
Los Angeles

Barnsdall Park, 4800 Hollywood Boulevard, Los Angeles

Mann's Chinese Theatre, 6925 Hollywood Boulevard,  
Los Angeles