

Decision No. 92046 JUL 15 1980

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application)
of: EXPRESS TOURS UNLIMITED)
A California Corporation)
for a Certificate of Public)
Convenience and Necessity to)
operate as a Passenger Stage)
Corporation, authorizing the)
transportation of passengers in)
sightseeing service between)
San Francisco and Hearst Castle,)
pursuant to the provisions of)
section 1031, et seq. of the)
Public Utilities Code.)

Application No. 59382
(Filed January 15, 1980)

O P I N I O N

EXPRESS TOURS UNLIMITED, hereinafter referred to as "Applicant", is a corporation duly organized and existing under and by virtue of the laws of the State of California. Applicant holds a Certificate of Public Convenience and Necessity, PSC-1075, by Decision No. 90352, in Application No. 57152, to transport passengers between San Francisco and Merced in connection with sightseeing service to Yosemite National Park. Applicant also holds a Class A Charter-party Certificate, TCP-62-A.

Applicant seeks authority to expand its passenger stage service to also include transportation of passengers on a per capita basis on two additional sightseeing tours between various points within the City and County of San Francisco and specified points within the County of San Mateo, on the one hand, and Hearst San Simeon State Historical Monument, on the other hand, as described below:

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~~San Simeon State Historical Monument, on the other hand, as described below.~~

Tour No. 1 - Hearst Castle in a day - A one-day round-trip tour from various points within the City and County of San Francisco and specified points within the County of San Mateo to the entry of the Hearst San Simeon State Historical Monument, over and along the routes described in the Appendix A, attached hereto.

Tour No. 2 - Hearst Castle Overnight - A round-trip tour from various points within San Francisco and specified points within the County of San Mateo to the entry of Hearst San Simeon State Historical Monument, with an overnight stay in either Cambria, San Simeon, Morro Bay or San Luis Obispo, over and along the routes described in the Appendix A, attached hereto.

The fares that applicant proposes to charge for these services are as follows:

Tour 1 - Hearst Castle in a Day

Adult Full Fare	\$80.00
Senior Citizens (60 years and over)	75.00
Children 6 to 12 years of age	60.00
Children 2 to 5 years of age	35.00
Children under 2 years of age	Free

Fares include bus transportation with a narration, lunch (except for children under 2 paying no fare) and the entry fee for Tour 1 at Hearst Castle.

Tour 2 - Hearst Castle Overnight

Adult Full Fare	\$150.00
Senior Citizens (60 years and over)	140.00
Children 6 to 12 years of age	115.00
Children 2 to 5 years of age	80.00
Children under 2 years of age	Free

Fares include bus transportation with a narration, two lunches (except for children under 2 paying no fare), a one night hotel/motel accommodation in the Cambria/San Simeon/Morro Bay/San Luis Obispo area, and the entry fee for Tour 1 at Hearst Castle.

Applicant alleges that public convenience and necessity require the proposed service for the following reasons:

Hearst Castle near San Simeon is one of the nation's outstanding sightseeing attraction. It is an officially-designated Historical Monument, and is operated by the State of California. At the present time, California Parlor Car Tours operates a three-day, two-night service from San Francisco to Hearst Castle, but applicant alleges that it is in the public convenience and necessity to provide a single day and a two-day, one-night service such as proposed in this application to provide the benefits of a bus tour for those members of the travelling public that do not have the additional time to take California Parlor's longer three-day tour.

At the present time, the only way for the travelling public to visit Hearst Castle in either a same-day or overnight trip is by private or rented automobile. As the price of gasoline increases and its availability becomes less certain, more visitors to Hearst Castle, both domestic and foreign travelers, are likely to seek the economy of bus service rather than drive private or rented automobiles to Hearst Castle.

As compared to automobiles, large capacity buses are more fuel efficient on a passenger-mile-per-gallon basis, and less polluting than automobiles on a per passenger basis.

Attached to the application are Exhibit C, a list of the Equipment that would be utilized by the applicant in its operations, and Exhibit D, a financial statement indicating applicant's financial ability to provide the requested service.

Findings

1. Express Tours Unlimited is a corporation duly organized and existing under and by virtue of the laws of the State of California.
2. Express Tours Unlimited holds a certificate of public convenience and necessity to operate as a passenger stage corporation between San Francisco and Merced in connection with sightseeing service to Yosemite National Park. It also holds a Class A Charter-party Certificate, TCP-62-A.

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3. Express Tours, by Application 59382, seeks authority to expand its passenger stage service, transporting passengers in sightseeing tours between various points within San Francisco and specified points within San Mateo County, on the one hand, and Hearst San Simeon State Historical Monument, on the other hand.

4. At the present time, there is no known bus company providing the proposed service.

5. Public convenience and necessity require establishment of a passenger stage sightseeing service as proposed by the applicant.

6. Applicant has the financial ability and experience to provide the proposed scheduled passenger stage sightseeing service.

7. It can be seen with certainty that there is no possibility the requested service will have a significant effect on the environment.

8. Copies of this application have been served upon interested parties. Notice of filing of application appeared on the Commission's Daily Calendar.

9. The Gray Line, Inc. in a letter to the Commission, dated May 7, 1980, has indicated that it will not protest this application on the proviso that the following restrictive language be added to the Tour 2 itinerary: "Carrier will not provide service on the '17-Mile Drive' in the Monterey Area."

10. Applicant, by a letter to the Commission, has agreed that such restrictive condition be placed at the end of the descriptive paragraph appearing at the top of page 5 of the application.

11. No other protests have been received concerning the granting of this application.

Conclusions

1. The application to provide passenger stage sightseeing tour service, as proposed by the applicant, is in the public interest and should be approved.

2. A public hearing is not necessary.

3. The effective date of this Order should be the date it is signed to allow the Applicant to provide service in summer tourist season which has already begun.

Applicant 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.

O R D E R

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Express Tours Unlimited, a corporation, authorizing it to expand its operations as a passenger stage corporation, as defined in Section 226 of the Public Utilities Code, between the various points within San Francisco and specified points within San Mateo County, on the one hand, and Hearst San Simeon State Historical Monument, on the other hand.
2. Appendix A of Decision No. 90352 as amended by Decision No. 91927 is further amended by incorporating Second Revised Page 1 in revision of First Revised Page 1, Original Page 2, Original Page 3, and Original Page 4, attached hereto.
3. 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 it accepts the certificate it 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 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 his 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 is the date hereof.

Dated JUL 15 1980, San Francisco, California.

John E. Gurnea
President

William L. Sturgeon

Nicholas W. Howell

Clare J. ...

Franklin ...
Commissioners

Appendix A
(Decision 90352)

EXPRESS TOURS UNLIMITED
(PSC-1075)

Second Revised Page 1
Cancels
First Revised Page 1

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

*Express Tours Unlimited, a California corporation, by the Certificate of Public Convenience and Necessity to operate as a passenger stage corporation granted by the decision noted in the margin, is authorized to transport passengers for sightseeing between the City and County of San Francisco, on the one hand, and Yosemite Park & Curry Company facility in Merced, on the other hand, and between the City and County of San Francisco and the specified points in the County of San Mateo, on the one hand, and Hearst San Simeon State Historical Monument, on the other hand, subject, however, to the authority of this Commission to change or modify said routes at any time and subject to the following provisions:

- *(a) Service authorized on Tour 1 and Tour 2 shall be limited to the transportation of single-day round-trip passengers only.
- (b) Scheduled daily service shall be provided, including weekdays, weekends and holidays.
- *(c) Carrier reserves the right not to operate Tour 1 in the event that there are less than five (5) reservations by 5:00 P.M. on the day preceding the tour.
- (d) Carrier shall not transport any baggage, except hand-carried items of the passengers.
- *(e) Service on Tour 1 shall be provided using vehicles with a seating capacity not exceeding 39 passengers.

*Modified under authority of Decision No. 92046,
dated JUL 15 1980, of the Public Utilities Commission
of the State of California, in Application No. 59382.

Appendix A

EXPRESS TOURS UNLIMITED
(PSC-1075)

Original Page 2

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

- (f) Service authorized on Tour 3 shall be for the transportation of overnight round-trip passengers only.
- (g) Passenger pickups on Tour 2 and Tour 3 will be made on an on-call basis only.
- (h) Carrier reserves the right not to operate Tour 2 and Tour 3 in the event that there are less than twelve (12) reservations by 5:00 P.M. on the day preceding the tour.
- (i) Within San Francisco Area, applicant will make pickups and deliveries for Tour 2 and Tour 3 at or near the passengers' hotels or motels. Along South Airport Boulevard and Old Bayshore Highway, pickups and deliveries will be made at the following designated points only:

At Grosvenor Hotel on South Airport Boulevard in South San Francisco. At the Hilton Hotel adjacent to the San Francisco International Airport. At the Hyatt Hotel on Old Bayshore Highway in Burlingame.
- (j) On Tour 3 carrier will not provide service on the "17-Mile Drive" in Monterey Area.

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Issued under authority of Decision No. _____,
dated 10/15/99, of the Public Utilities Commission
of the State of California, in Application No. 59382.

SECTION II. TOUR DESCRIPTIONS.

Tour 1 - Between San Francisco and Merced

From the City and County of San Francisco, via San Francisco-Oakland Bay Bridge (Interstate Highway 80) to Interstate Highway 580, to California Highway 132 and 99 to the Yosemite Park and Curry Company facility in Merced, and return.

Tour 2 - Hearst Castle in a Day

From San Francisco along U.S. Highway 101 to its intersection in South San Francisco with South Airport Boulevard, then along South Airport Boulevard and Old Bayshore Highway, re-entering U.S. Highway 101 at the intersection of Old Bayshore Highway, Broadway and U.S. Highway 101 in Burlingame, and then along U.S. Highway 101, leaving U.S. Highway 101 in Paso Robles, and then along California Highway 46 to Cambria, and then along California Highway 1 to the entry of the Hearst San Simeon State Historical Monument, and return over the same route.

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Issued under authority of Decision No. _____,
dated JUL 15 1980, of the Public Utilities Commission
of the State of California, in Application No. 59382.

SECTION II. TOUR DESCRIPTIONS. (continued)

Tour 3 - Hearst Castle Overnight

From San Francisco along U.S. Highway 101 to its intersection in South San Francisco with South Airport Boulevard, then along South Airport Boulevard and Old Bayshore Highway, re-entering U.S. Highway 101 at the intersection of Old Bayshore Highway, Broadway and U.S. Highway 101 in Burlingame, along U.S. Highway 101 to its intersection with California Highway 85 in Mountain View, along California Highway 85 to its intersection with Interstate Highway 280; along Interstate Highway 280 to its intersection with California Highway 17 in San Jose, then along California Highway 17 to Santa Cruz, then along California Highway 1 to the entry of the Hearst San Simeon State Historical Monument with an overnight stay in Cambria, San Simeon, Morro Bay or San Luis Obispo, and with a return movement over California Highway 41 or 46 to U.S. Highway 101, and a return to origin over U.S. Highway 101 or Interstate Highway 280.

This tour will include an off-route stop for a wine tasting visit in either the Saratoga, Santa Cruz or Monterey area, and will also include a lunch stop along Cannery Row in Monterey prior to arrival in the Hearst Castle area. Carrier will not provide service on the "17-Mile Drive" in the Monterey Area.

(END OF APPENDIX A)

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dated JUL 15 1980, of the Public Utilities Commission
of the State of California, in Application No. 59382.