

ORIGINAL

Decision No. 92199 : SEP 3- 1980

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of GRAY LINE SCENIC TOURS, INC.,)
doing business as CALIFORNIA-NEVADA)
GOLDEN TOURS, for a passenger stage)
certificate authorizing the trans-)
portation of passengers and their)
baggage between certain designated)
points within the State of California.)

Application No. 59497
(Filed March 5, 1980)

O P I N I O N

Gray Line Scenic Tours, Inc. (Gray Line), doing business as California-Nevada Golden Tours, is a corporation duly organized and existing under the laws of the State of Nevada. Gray Line applies, pursuant to Sections 1030 through 1038 of the California Public Utilities Code, for a passenger stage certificate authorizing the transportation of passengers and their baggage on certain designated tours commencing and terminating within the county of Sacramento, subject to the following provisions:

- (a) All such transportation shall be conducted on a sightseeing or pleasure tour basis.
- (b) All tours and passengers on tours shall originate and terminate within the city of Sacramento, or other locations within Sacramento County.
- (c) All service herein authorized shall be limited to the transportation of round trip passengers only.
- (d) All tours shall be conducted on a continuous basis excepting for stops for sightseeing, meals and/or lodging.

- (e) All tours shall include more than bare expeditious point-to-point transportation and shall provide accessorial services including, but not limited to, tour guides, restaurant meals, accommodations, and admission to attractions.

The tours sought to be inaugurated are in and around the city of Sacramento, to Davis, to the Gold Country, to Yosemite, to Squaw Valley, to San Francisco and Marin Counties, and to San Francisco and the East Bay.

Gray Line presently operates pursuant to a Class A charter-party permit issued to it by the Commission, identified as TCP-68A. This permit authorizes operations as a charter-party carrier of passengers throughout the State of California. Additionally, Gray Line operates pursuant to a certificate to operate as a passenger stage corporation issued by the Commission in Decisions Nos. 59543 and 64333 (PSC-554). Such certificate authorizes the transport of passengers and their baggage on various routes in and about the Tahoe Valley Airport.

In addition to the aforesaid permit and passenger stage certificate issued by the Commission, Gray Line holds certificates of public convenience and necessity issued by the Interstate Commerce Commission under No. MC106170, and various subnumbers therein.

Certified copies of Gray Line's articles of incorporation are on file with the Commission in Application No. 41448. Its principal place of business is 2030 - 3rd Street, San Francisco, California 94107.

Financial statements attached to the application show that Gray Line has the financial ability to render the proposed service. The operating equipment to be used in providing the service is the same as that now utilized by Gray Line under its present permits and certificates and is adequate.

The application states that public convenience and necessity require the proposed service for the following reasons:

- (a) There is at present no readily available nationally advertised and promoted pleasure tour and sightseeing service emanating from the Sacramento area, despite the fact that the area is becoming a leading center for tours and conventions.
- (b) By being a member of the Gray Line Sight-Seeing Association, Gray Line will be able to widely promote and advertise said proposed service. This service would complement the presently growing use of the facilities of the city of Sacramento for conventions and meetings, including the use of local hotels as pickup and drop-off points.
- (c) In addition to the ability of Gray Line to promote the service through the Gray Line Sight-Seeing Association, Gray Line would also be able to provide tours and service to the members of the public who reside in the Sacramento area on a permanent basis.
- (d) Gray Line is an experienced charter-party carrier well suited to promote and provide sightseeing and pleasure tours.
- (e) The service requested herein will benefit and serve the public who are otherwise unable to procure such service. It will complement the present existing operations of Gray Line, and will make the city of Sacramento more attractive as a tourist and convention center by expanding the number of different sightseeing and pleasure tours available to the public.

- (f) By reason of the existing fuel shortage, the availability of low-cost bus transportation on a regular basis is in the public's best interest. It provides an alternate travel means to the public to have sightseeing and pleasure outings available on a group basis. Because of the expense of fuel, people now seek bus transportation as an alternative to private car use.

There is no known opposition to the application.

Findings of Fact

1. Gray Line possesses the ability, experience, and financial resources to perform the proposed service.
2. There is no known opposition to the proposed service.
3. A public hearing is not required.
4. Public convenience and necessity justify certification of the proposed service.
5. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.
6. Gray Line already possesses a certificate to operate as a passenger stage corporation issued by the Commission. In granting the carrier additional authority, the issuance of a new certificate incorporating all authority to operate as a passenger stage corporation might be preferential as the original certificate has not been recently updated. Accordingly, Appendix A attached hereto will include carrier's existing authority and the order which follows will provide for the revocation of Appendix A to Decisions Nos. 59543 and 64333 in Application No. 41448.

Conclusion of Law

The Commission concludes that the application should be granted as set forth in the ensuing order.

Gray Line 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 over a particular route. 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 Gray Line Scenic Tours, Inc., doing business as California-Nevada Golden Tours, authorizing it to transport passengers and their baggage on certain designated tours between the points and over the routes particularly set forth in Appendix A attached hereto and made a part 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 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 its 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.
- (f) The certificate of public convenience and necessity granted by Decisions Nos. 59543

and 64333 is revoked concurrently with the effective date of the tariff filings required by paragraph 2(c) heretofore.

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

Dated SEP 3 - 1980, at San Francisco, California.

John E. Suran
President
Thomas J. Stinson
Robert P. Howell
Clair J. Duffell
Thomas J. Stinson
Commissioners

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
PSC-554

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. 92199, dated SEP 3 - 1980, of the Public Utilities Commission of the State of California, in Application No. 59497.

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Issued by California Public Utilities Commission.

Decision No. 92199, dated SFP 3-1980, in
Application No. 59497.

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

Tahoe Valley Airport Operations

A. The certificate hereinafter noted supersedes all authority heretofore granted to Gray Line Scenic Tours, Inc. to operate as a passenger stage corporation.

Gray Line Scenic Tours, Inc., by the Certificate of Public Convenience and Necessity granted by the decision noted in the margin, is authorized as a passenger stage corporation to transport passengers and their baggage on an "on-call" and scheduled basis between an area as described on Page 3 herein and the Tahoe Valley Airport over and along the routes hereinafter described, subject, however, to the authority of this Commission to change or modify said route or territory at any time and subject to the following provisions:

- (a) 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.
- (b) No passengers shall be transported except those having point of origin or destination at the Tahoe Valley Airport or the personnel employed at said airport.
- (c) Gray Line Scenic Tours, Inc., shall provide service for all regularly scheduled airline flights by providing in its tariff schedules that said service is limited to the transportation of a minimum of four fare-paying passengers who desire to go to or from the Tahoe Valley Airport at substantially the same time.

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SECTION 1. (Continued)

B. By the certificate of public convenience and necessity granted in the decision noted in the margin, applicant is authorized to transport passengers and their baggage between the Tahoe Valley Airport, on the one hand, and, on the other hand, all of the following points and places on the following routes:

- a. U.S. Highway 50 between Nevada-California border and junction State Highway 89.
- b. Unnumbered highway connecting U.S. Highway 50 and State Highway 89.
- c. State Highway 89 between junction U.S. Highway 50 and cutoff to Squaw Valley.
- d. State Highway 28 between junction State Highway 89 and Nevada-California border.
- e. Unnumbered highway between State Highway 89 and Squaw Valley.
- f. Unnumbered highway between State Highway 89 and Fallen Leaf Lodge.

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SECTION 2. SIGHTSEEING OPERATIONS FROM SACRAMENTO COUNTY AREA.

A. Gray Line Scenic Tours, Inc., dba CALIFORNIA-NEVADA GOLDEN TOURS, is granted a certificate of public convenience and necessity to operate as a passenger stage corporation to transport passengers and their baggage for sightseeing and pleasure tours between the city limits of Sacramento and various points on tours hereinafter described in Part B, said tours being subject to the limitations noted as follows:

- (a) All such tours shall be conducted on a sight-seeing or pleasure tour basis.
- (b) All tours and passengers on tours shall originate and terminate at various points within the County of Sacramento, including, but not limited to the City of Sacramento.
- (c) All service herein authorized shall be limited to the transportation of round-trip passengers only.
- (d) All tours shall be conducted on a continuous basis excepting for stops for sightseeing, meals, and lodging.
- (e) All tours shall include more than bare expeditious point-to-point transportation and shall provide accessorial services including, but not limited to, tour guides, restaurant meals, accommodations, and admission to attractions.

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SECTION 2. PART B.

TOUR NO. 1: Sacramento City Tour - Commencing from any appropriate point or points within the County of Sacramento, thence over the most appropriate route for a day of touring in Sacramento with stops at various points of interest, thence return by the most appropriate route to the original point or points of embarkation.

TOUR NO. 2: Sacramento Gold Country - Commencing from an appropriate point within the County of Sacramento, thence on Highway 80 to Route 49, thence on Route 49 through Coloma, Placerville, El Dorado, Plymouth, Sutter Creek and Jackson, and thence back to Sacramento through Route 49 and 16.

TOUR NO. 3: Sacramento-Yosemite - Commencing from any appropriate point or points within the County of Sacramento, thence via Highway 16 and 49 to Sonora, California, thence via Route 120 to Yosemite National Park. And thence return by appropriate route to the points of origin.

TOUR NO. 4: Sacramento-Wine Country - Commencing from any appropriate point or points within the County of Sacramento over the appropriate routes to various wineries located within the Counties of Napa and Sonoma, including, but not limited to, those wineries in Napa, Yountville, Saint Helena, Calistoga, Rutherford, Healdsburg, Asti, Geyserville, and Sonoma; and thence by appropriate route to return to points of origin.

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SECTION 2(B) (Continued)

TOUR NO. 5: Ski Tours

TOUR NO. 5(a) - Ski Tour: Sacramento-Squaw Valley - Commencing from any appropriate point or points within the County of Sacramento, thence via Highway Interstate 80 to Route 89, thence via Route 89 to Squaw Valley ski area, and thence return by the same route.

TOUR NO. 5(b) - Ski Tour: Sacramento-Heavenly Valley - Commencing from any appropriate point or points within the County of Sacramento, thence via Highway 50 to the Heavenly Valley ski area located at South Lake Tahoe, California, and thence return by the same route.

TOUR NO. 6: University of California-Davis - Commencing from any appropriate point or points within the County of Sacramento, thence by appropriate route to the City of Davis, California, for a tour of the University of California at Davis, and thence return to the point of origin.

TOUR NO. 7: San Francisco-Marin County - Commencing from an appropriate point or points within the County of Sacramento, thence over Interstate Route 80 to Route 37, thence over Route 37 to Route 101, thence to Muir Woods and Sausalito for intermediate stop and sightseeing. Thence over the Golden Gate Bridge to the city of San Francisco for sightseeing and meals. Thence returning to said Sacramento via the Bay Bridge and Interstate 80 to the point of origin.

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/ALJ/ec *

Appendix A

GRAY LINE SCENIC TOURS, INC.
Doing Business As
CALIFORNIA-NEVADA GOLDEN TOURS
(PSC - 554)

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SECTION 2(B) (Concluded)

TOUR NO. 8: San Francisco-East Bay Alameda County -

Commencing at an appropriate point or points within the County of Sacramento over Route Interstate 80 to Alameda County, thence an appropriate intermediate sightseeing stop in the City of Berkeley, the University of California, and/or the City of Oakland, and/or the City of Alameda; thence over the Bay Bridge to the City of San Francisco for sightseeing, meals, and entertainment, thence returning via the same route to the point of origin.

Issued by California Public Utilities Commission.

Decision No. 92199, dated September 3, 1980, in Application No. 59497.