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92272

SEP 16 1980

ORIGINAL

Decision No. _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of:)

SAN FRANCISCO-YOSEMITE TOURS, INC.)
A California Corporation)

for a Certificate of Public Convenience)
and Necessity to operate as a Passenger)
Stage Corporation, authorizing the)
transportation of passengers in round-)
trip sightseeing service from San Francisco)
to Yosemite National Park in mini-buses,)
pursuant to the provisions of Section)
1031, et seq. of the Public Utilities)
Code of the State of California.)

) Application No. 57152
) Decision No. 91927
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ORDER MODIFYING DECISION NO. 91927
AND DENYING REHEARING

A Petition for Rehearing and/or Reconsideration of Decision No. 91927 has been filed by Express Tours Unlimited (formerly San Francisco-Yosemite Tours, Inc.). The decision grants authority for Express Tours to provide service using vehicles with a seating capacity not exceeding 39 passengers. Express Tours asks the Commission to eliminate the 39 passenger capacity limitation. Express Tours also requests the Commission to modify ordering paragraph 3 of Decision No. 91927. Yosemite Park and Curry Co. (Park and Curry) filed a response to the petition by Express Tours.

Park and Curry does not oppose the petition of Express Tours insofar as it seeks to eliminate the 39 passenger limitation. Park and Curry strongly opposes any change in ordering paragraph 3. Ordering paragraph 3 of Decision No. 91927 provides as follows:

"3. SFYT [Express Tours] shall enter into good faith negotiations with Curry [Park and Curry] for the purpose of concluding a written agreement with Curry which will permit Curry personnel to drive SFYT's buses between Merced and Yosemite, thus making it unnecessary for SFYT's passengers to change buses at Merced."

The record in this case clearly establishes that Express Tours holds a certificate between San Francisco and the Park and Curry facility in Merced and that Park and Curry holds exclusive authority to operate passenger stage service between its facility in Merced and Yosemite Park. The record also shows that although a concurrence agreement had been reached (Exhibit 53) there is no interline agreement as between Express Tours and Park and Curry. The record further shows that Express Tours has violated its certificate by conducting operations directly between San Francisco and Yosemite. Accordingly, as discussed at some length in Decision No. 91927 we have directed Express Tours to enter into good faith negotiations with Park and Curry. The goal is to facilitate the convenience of Express Tours passengers in making the round-trip from San Francisco to Yosemite.

We have carefully considered all the allegations contained in the petition by Express Tours and are of the opinion that good cause for modifying ordering paragraph 3 of Decision No. 91927 has not been shown. However, we shall modify ordering paragraph 2 of Decision No. 91927 to eliminate the 39 passenger limitation for vehicles provided by Express Tours in its operations. We shall further modify ordering paragraph 2 by deleting the phrase "issued in Decision No. 90155 dated April 10, 1979" and in its place insert "issued in Decision No. 90352 dated May 22, 1979" to reflect the correct authority. Accordingly, subparagraph, "e.", of Section 1 of the certificate granted Express Tours by Decision No. 91927 is hereby deleted. Therefore,

IT IS HEREBY ORDERED that ordering paragraph 2 of Decision No. 91927 shall be modified to read as follows:

"2. SFYT's certificate of public convenience and necessity, issued in Decision No. 90352 dated May 22, 1979, is modified as set forth in Appendix A to this Decision to permit operation of SFYT's Yosemite service with diesel buses."


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IT IS FURTHER ORDERED that Appendix A of Decision No. 90352, as hereinafter amended, is further amended by incorporating Second Revised Page 1, attached hereto, in revision of First Revised Page 1.


In all other respects the petition of Express Tours for rehearing and/or reconsideration of Decision No. 91927 is hereby denied.

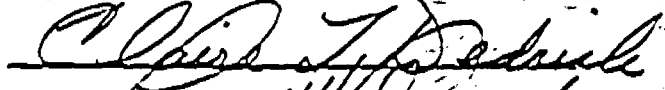
The effective date of this decision is the date hereof.

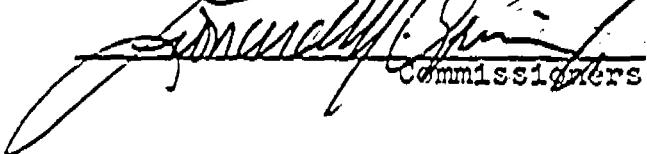
Dated SEP 16 1980, at San Francisco, California.



President








Commissioners

SECTION 1. 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 via San Francisco-Oakland Bay Bridge (Interstate Highway 80), Interstate Highway 580 California Highways 132 and 99, and to the Yosemite Park & Curry Company facility in Merced, subject to the authority of this Commission to change or modify said route at any time and subject to the following provisions:

- a. Service herein authorized 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 in the event that there are less than five (5) reservations by 5:00 p.m. on the day preceding a tour.
- d. Carrier shall not transport any baggage except hand-carried items of the passengers.
- *c. Intentionally left blank.

Issued by California Public Utilities Commission.

*Modified by Decision No. 92272, Application No. 57152.