

92339

OCT 22 1980

ORIGINAL

Decision No. _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 Benjamin Hickey & Elizabeth Hickey,
 husband & wife, dba Araglen Tours,
 for an extension of Certificate
 P.S.C. 1078 empowering them addi-
 tionally to operate an "ON CALL"
 tour service from San Francisco to
 Mount Tamalpais State Park in
 Marin County.

Application No. 59725
 (Filed June 12, 1980)

O P I N I O N

Benjamin Hickey and Elizabeth Hickey, doing business as Araglen Tours (Araglen), request a certificate of public convenience and necessity to operate an "on call" passenger tour service from San Francisco to Mount Tamalpais State Park in Marin County.

Araglen is presently operating a tour service solely in Marin County (P.S.C. 1078) and proposes to supplement its existing service by inaugurating tour service from San Francisco hotels and motels to Mount Tamalpais at customers' requests made at least 12 hours prior to tentative departures at 8:30 a.m. and 12:30 p.m. daily.

The application shows that Araglen operates two 14-passenger Dodge maxi-vans and is adequately financed to perform the service. Benjamin Hickey has 25 years' experience as a bus operator for Greyhound Lines, Inc. and for the Golden Gate Bridge Transit District.

The application states that public convenience and necessity are shown in that there is no existing service between

the points proposed by the applicants, the proposed service will reduce automobile traffic on the route, and energy will be correspondingly saved.

Service of the application was made upon Eastshore Lines, Franciscan Lines, and Grayline, Inc., among others, and notice of the filing of the application was listed in the Daily Calendar. No protests have been received.

Findings of Fact

1. Public convenience and necessity require that the passenger stage service proposed by Araglen be established.
2. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.
3. A public hearing is not required.

Conclusion of Law

The application should be granted.

Applicants 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.

O R D E R

IT IS ORDERED that:

1. The certificate of public convenience and necessity granted to Benjamin Hickey and Elizabeth Hickey, a partnership, doing business as Araglen Tours, authorizing them to operate as a passenger stage corporation, as defined in Section 226 of the Public Utilities Code, between the points and over the routes described in Appendix A of Decision No. 90684 is amended by incorporating First Revised Page 2, First Revised Page 3, First Revised Page 4, Original Page 5, and Original Page 6, attached hereto and made a part hereof in place of Original Page 2, Original Page 3, and Original Page 4.

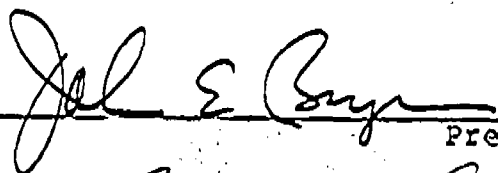
2. In providing service pursuant to the authority granted by this order, applicants shall comply with the following service regulations. Failure to do so may result in a cancellation of the authority.

- (a) Within thirty days after the effective date of this order, applicants shall file a written acceptance of the certificate granted. Applicants are placed on notice that if they accept the certificate they 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, applicants 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.

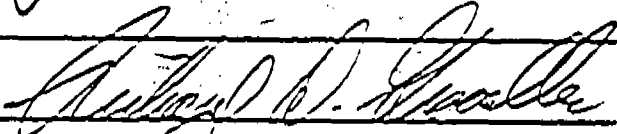
- (d) The tariff and timetable filings made pursuant to this order shall comply with the regulations governing the construction and filing of tariffs and timetables set forth in the Commission's General Orders Nos. 79-Series and 98-Series.
- (e) Applicants shall maintain their accounting records on a 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 thirty days after the date hereof.

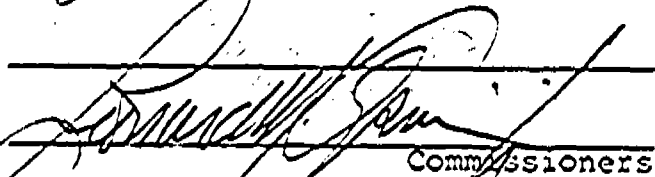
Dated OCT 22 1980 , at San Francisco, California.



President



Commissioners



Commissioners

Commissioner Vernon L. Sturgeon, being necessarily absent, did not participate in the disposition of this proceeding.

Commissioner Walter T. Dedrick, being necessarily absent, did not participate in the disposition of this proceeding.

T/ARR.

Appendix A
(Dec. 90684)

BENJAMIN HICKEY AND ELIZABETH HICKEY
(PSC - 1078)

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Cancels
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Issued by California Public Utilities Commission.

*Amended by Decision No. 92339, Application No. 59725.

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

Benjamin Hickey and Elizabeth Hickey, by the certificate of public convenience and necessity granted by the decision noted in the margin, are authorized to transport passengers between *San Francisco, Sausalito or Larkspur, on the one hand, and Mount Tamalpais State Park, on the other hand, over and along the routes hereinafter described, subject, however, to the authority of this Commission to change or modify said routes 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 services herein authorized shall be limited to the transportation of round-trip passengers only.
- (d) All tours shall be conducted on a continuous basis except for stops for sightseeing, meals and lodging.
- (e) Tours operated over Route 1 and Route 2 shall not be consolidated or operated in combination with one another.
- (f) Service shall be provided with vehicles seating no more than 15 passengers.
- *(g) On Route 3, when service is rendered on an "on call" basis, tariffs and timetables shall show the conditions under which such "on call" service will be rendered.

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Appendix A
(Dec. 90684)

BENJAMIN HICKEY AND ELIZABETH HICKEY
(PSC - 1078)

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SECTION 2. ROUTE DESCRIPTIONS.

Route 1. Sausalito - Mount Tamalpais State Park:

Beginning at the Ferry Terminal maintained by the Golden Gate Bridge, Highway and Transportation District in the City of Sausalito; thence via Bridgeway Boulevard to the intersection of State Highway 1; thence via State Highway 1 to the Panoramic Highway; thence via Panoramic Highway to Pan Toll Road; thence via Pan Toll Road to Ridgecrest Boulevard; thence via Ridgecrest Boulevard to Mount Tamalpais State Park. Return to the point of the beginning via the reverse of the above route.

Route 2 Larkspur - Mount Tamalpais State Park:

Beginning at the Ferry Terminal maintained by the Golden Gate Bridge, Highway and Transportation District in the City of Larkspur; thence via Sir Francis Drake Boulevard to U.S. Highway 101; thence via U.S. Highway 101 to State Highway 1; thence via State Highway 1 to Panoramic Highway; thence via Panoramic Highway to Pan Toll Road; thence via Pan Toll Road to Ridgecrest Boulevard; thence via Ridgecrest Boulevard to Mount Tamalpais State Park. Return to the point of the beginning via the reverse of the above route.

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*Amended by Decision No. 92339, Application No. 59725.

SECTION 2. ROUTE DESCRIPTIONS (Continued)

Route 3 San Francisco - Mount Tamalpais State Park

Beginning at the Golden Gate Bridge Toll Plaza; thence via U.S. Highway 101 to State Highway 1; thence via State Highway 1 to Panoramic Highway; thence via Panoramic Highway to Pan Toll Road; thence via Pan Toll Road to Ridgecrest Boulevard; thence via Ridgecrest Boulevard to Mount Tamalpais State Park. Return to the point of the beginning via the reverse of the above route.

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Appendix A

BENJAMIN HICKEY AND ELIZABETH HICKEY
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SECTION 3. SAN FRANCISCO SERVICE AREA

All the motels and hotels located in the area bounded by San Francisco Bay, Army Street, Guerrero Street, Laguna Street, Fulton Street, Park Presidio Boulevard and the approaches to the Golden Gate Bridge.

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