

ORIGINAL

Decision 93175 JUN 2 1981

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of THE GRAY LINE TOURS)
COMPANY for a Certificate of Public)
Convenience and Necessity to extend)
operations as a passenger stage)
corporation.)

Application 60171
(Filed January 7, 1981)

O P I N I O N

By this application the Gray Line Tours Company (Gray Line) seeks to amend the territorial scope of its presently Commission-authorized Orange County pickup area known as the Newport-Balboa Territory, which is identified and defined by Items 100 and 208 in Gray Lines existing certificate.

Gray Line presently has authority from this Commission as a passenger stage corporation (PSC-522) to conduct sightseeing, race track, special events, and airline terminal operations within points in Southern California as set forth in Appendices A and B of Decision (D.) 84749 as amended by Decisions (D.) 84915, 85023, 85306, 85634, 87520, 87984, 90179, 90241, 90600, and 92862.

Gray line in seeking to amend its authority alleges that public convenience and necessity require the proposed service for the following reasons:

(a) The Commission's authority granted to Gray Line for operations under Items 100 and 208 authorizes the carrier to service only along certain named streets and to visit only certain points of interest, and,

(b) In attempting to implement service within this existing authority, applicant has experienced patronage insufficient to conduct an economically feasible operation. The broadening of applicant's authority will enable applicant to provide service to a number of additional hotel and motel facilities which, in the

main, were not in existence at the time Gray Line applied for the original pickup territory.

Appendix A attached to the application specifically sets forth the names and addresses of these hotel and motel facilities.

Applicant believes that the authority sought will enable it to attract additional patronage, allowing applicant to render a service throughout the expanded territory, to the benefit of the sightseeing public as well as to the applicant. Specifically, applicant would make available for visitors to the requested area approximately ten (10) routes which applicant is presently operating from other Southern California service locations.

Gray Line alleges it has received numerous requests to provide the proposed new services which has prompted the filing of its application.

Gray Line avers that the granting of its request will have no adverse effect upon the environment and that Gray Line is unaware of any common carrier which would be adversely affected by the granting of its application.

The application was duly noticed on the Commission's Daily Calendar on January 8, 1981. Copies of the application were served on the County of Los Angeles, the County of Orange, the City of Newport Beach, The Town Tour Fun Bus Company, dba Fun Bus Systems, Anaheim, and the Orange Coast Sightseeing Company, Anaheim.

The Commission's Transportation Division 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 protests have been received.

Findings of Fact

1. Gray Line has the operating personnel, equipment, and the financial ability to conduct the operation as proposed.

2. Public convenience and necessity require the additional operations proposed by Gray Line.

3. It can be seen with certainty that there is no possibility that the passenger stage operation involved in this proceeding may have a significant effect on the environment.

4. A public hearing is not necessary.

Conclusion of Law

It is concluded that a certificate of public convenience and necessity to operate as a passenger stage corporation should be granted to Gray Line to the extent set forth in the ensuing order.

Only the amount paid to the State for operative rights may be used in rate fixing. The State may grant any number of rights and may cancel or modify the monopoly feature of these rights at any time.

O R D E R

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to applicant, Gray Line Tours Company, a corporation, authorizing it to extend operations as a passenger stage corporation, as set forth below.

2. Appendix A of D.84749, as heretofore amended, is further amended by incorporating Second Revised Page 12 and Original Page 12.1, attached hereto, in cancellation of First Revised Page 12.

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 98-Series, and the insurance requirements of the Commission's General Order 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 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.

This order becomes effective 30 days from today.

Dated JUN 2 1981, at San Francisco,
California.

John E. Byrne
President
Richard D. Grew
Thomas W. Smith
Victor Calvo
Commissioners

Commissioner Priscilla C. Grew, being necessarily absent, did not participate in the disposition of this proceeding.

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Appendix A
(D.84749)

THE GRAY LINE TOURS COMPANY
(a corporation)
PSC-522

Second Revised Page 12
Cancels
First Revised Page 12

Item
No.

SECTION II, Non-exclusive Pickup Territories (Contd.)

- 200 Santa Barbara Territory:* Santa Barbara, which is described as the territory delineated and bounded by the city limits of the City of Santa Barbara and the following specific points in Montecito, California: Santa Barbara Biltmore Hotel, Miramar Hotel-Motel, and San Ysidro Ranch.
- 205 San Diego Territory:* San Diego, which is described as the territory delineated and bounded by the city limits of the City of San Diego.
- 207 Coronado Territory:* Coronado, which is described as the territory delineated and bounded by the city limits of the City of Coronado.
- 208# Newport-Balboa Territory: The Newport Balboa Territory is that portion of the County of Orange commencing at the intersection of the Pacific Ocean and the Santa Ana River, thence northeasterly along the Santa Ana River to Victoria Street, thence easterly along Victoria Street to Harbor Boulevard, thence northerly along Harbor Boulevard to the intersection of Interstate Highway 405, thence northwesterly along Interstate 405 to the intersection of Euclid Street thence northerly along Euclid Street to the intersection of MacArthur Boulevard, thence easterly along MacArthur Boulevard to the intersection of Harbor Boulevard, thence northerly along Harbor Boulevard to the intersection of First Street in the City of Santa Ana, thence easterly along First Street to the intersection of Newport Avenue in the City of Tustin thence southwesterly along Newport Avenue to the intersection of Bryan Street, thence southeasterly along Bryan Street to the intersection of Red Hill Avenue, thence southwesterly along Red Hill Avenue to the intersection of MacArthur Boulevard, thence southerly along MacArthur Boulevard to the Pacific Ocean, thence northwesterly along the shore of the Pacific Ocean to the point of beginning.
- 210 *Note: Operations from Riverside, Palm Springs, Santa Barbara, San Diego, and Coronado Territories. The authority
(Continued on Original Page 12.1.)

Issued by California Public Utilities Commission.

#Amended by Decision No. 93175, Application 60171.

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Appendix A
(D.84749)

THE GRAY LINE TOURS COMPANY
(a corporation)
PSC-522

Original Page 12-1

Item
No.

SECTION II, Non-exclusive Pickup Territories (Contd.)

210 (Contd.)

to pickup and discharge passengers in the Riverside, Palm Springs, Santa Barbara, San Diego, and Coronado Territories (Items 190,195,200, and 207), shall lapse and terminate #on August 5, 1980 as to any of said pickup territories from which the Gray Line Tours Company is not then operating regularly scheduled pickup service for one or more of the tours set forth in Section III hereof.

Issued by California Public Utilities Commission.

#Changed by Decision No. 93175, Application 60171.