

Decision 93181

JUN 2 1981

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application  
of WESTERN TRAVEL PLAZA, INC., a  
California corporation, for a  
Certificate of Public Convenience  
and Necessity to operate as a  
passenger stage corporation pursuant  
to the provisions of § 1031, et.  
seq. of the California Public  
Utilities Code in the Counties of  
Alameda, Contra Costa, Los Angeles,  
Marin, Fresno, Mariposa, Merced,  
Monterey, Orange, Sacramento, San  
Diego, San Mateo, Santa Clara,  
Santa Cruz, Solano, Sonoma,  
Stanislaus, Tuolumne, and Yolo.

Application 59818  
(Filed July 17, 1980)

INTERIM OPINION

Western Travel Plaza, Inc. (Western) seeks authority to operate as a passenger stage corporation to provide sightseeing tours narrated in Japanese from points within San Francisco and Los Angeles Counties to and through various other counties "over the most convenient and scenic streets and highways." Thirteen tours are proposed, as follows:

1. Yosemite National Park,
2. Gold Rush and Frontier Age,
3. Mystery Spot and Monterey, Carmel,
4. Great America and Winchester Mystery House,
5. U.C. Berkeley and Sausalito,
6. San Francisco City Night Tour,
7. Wedding Package,
8. Filoli Center and Artist's Guild,

9. Universal Studio,
10. Knott's Berry Farm,
11. Los Angeles City Night Tour,
12. San Diego and Tijuana, and
13. Disneyland.

Protests to one or more routes have been tendered by Dolphin Tours, Stuart Conn, O'Connor Limousine Service, Inc., and California Parlor Car Tours. No hearing has been set.

This matter apparently arises out of the same circumstances that are addressed in Decision (D.) 92455 in Case 10732 (Lavelle v Japan Air Lines, et al.). Similar applications have very recently been considered in D.93079 dated May 19, 1981 (Application (A.) 60174 et al.) and interim authority granted. Western seeks similar interim relief.

In D.93079 we discussed at great length the policy reasons that support the grant of interim authority, under protest, limited to routes actually served during the 1980 peak tourist period. We observed that carriers such as Western had actually served a large portion of the public and found that without their aggregate capability it was highly likely that service could not be provided to the satisfaction of this Commission. The immediate issue is whether Western qualifies for similar treatment.

Western is a wholly owned subsidiary of Japan Travel Bureau International, Inc. (JTBI). If the authority is granted, it will succeed to the California operations of JTBI in conjunction with its affiliate corporation, Japan Travel Bureau (JTB). JTB refers its customers who arrive in the United States to Western which provides services exclusively for JTB customers. Western intends to charter its equipment from certified charter-party carriers.

In its "Amendment to Request for Temporary or Interim Operating Authority", Western-JTBI states that it handled the following tourist volumes in 1979 and 1980:

	<u>1979</u>	<u>1980</u>
Northern California	44,981	32,653
Southern California	48,688	39,013

Of those, the following number took optional tours:

	<u>1979</u>	<u>1980</u>
Northern California	18,151	16,516
Southern California	18,280	10,765

These numbers are sufficiently substantial to support the conclusion that Western should be treated similarly to applicants in A.60174 et al.

Included in the "Amendment" is a chart stating the numbers of tours operated and passengers carried during June, July, August, and September 1980 for each of the routes included in the application. Based on that data we find that each of the routes was served with sufficient frequency to constitute de facto passenger stage service during that period, except for the following: Gold Rush and Frontier Age, Great America and Winchester Mystery House, Wedding Package, Filoli Center and Artist's Guild, Universal Studio, and Knott's Berry Farm.

For the reasons stated in D.93079, temporary authority should be granted to Western to serve the remaining routes. In order to serve the public and allow Western a fair opportunity to compete, this decision is effective today. There is no impact on the environment in view of the past operation of these routes.

Findings of Fact

1. In D.93079 in A.60174 et al., we issued temporary passenger stage certificates to four applicants based on circumstances discussed in that decision.

2. Western is similarly situated and reasonably treated in the same manner as applicants in A.60174 et al.

3. Western-JTBI is fit to provide the authorized service for the period of this order.

4. This order should be effective today because of the public need for service and in order to allow Western to compete fairly.

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.

Conclusions of Law

1. A temporary certificate of public convenience and necessity should be granted to Western, restricted to round-trip sightseeing tours narrated in Japanese, for the routes set forth in the order which follows.

2. The certificate should expire on October 31, 1981, unless extended or made permanent by further order.

INTERIM ORDER

IT IS ORDERED that:

1. A temporary certificate of public convenience and necessity is granted to Western Travel Plaza, Inc. authorizing it to operate as a passenger stage corporation, as defined in Public Utilities Code § 226, between the points and over the routes set forth in Appendix A.

2. Western Travel Plaza, Inc. shall:

- a. File written acceptance of its certificate within 30 days after this order is effective.
- b. Establish the authorized service and file tariffs and timetables within 120 days after this order is effective.
- c. State in its tariffs and timetables when service will start, allow at least 10 days' notice to the Commission, and make timetables and tariffs effective 10 or more days after this order is effective.

- d. Comply with General Orders Series 79, 98, 101, and 104, and the California Highway Patrol safety rules.
- e. Maintain accounting records in conformity with the Uniform System of Accounts.
- f. In the case of "on call" service, include in their tariffs any provisions relating to required notice and minimum number of passengers.

3. This certificate shall expire on October 31, 1980, unless extended or made permanent by further order.

This order is effective today.

Dated JUN 2 1981, at San Francisco, California.

John E. Bayon  
President  
Richard D. Grew  
James H. Jones  
Victor Calver  
Commissioners

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

T/ROC/FS/WPSC

Appendix A WESTERN TRAVEL PLAZA, INC. Original Title Page

TEMPORARY CERTIFICATE  
OF  
PUBLIC CONVENIENCE AND NECESSITY  
AS A PASSENGER STAGE CORPORATION  
PSC-1155  
EXPIRES OCTOBER 31, 1981

Showing passenger stage operative rights, restrictions, limitations, exceptions, and privileges.

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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.

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Issued under authority of Decision 93181,  
dated JUN 2 1981, of the Public Utilities  
Commission of the State of California, in Application 59818.

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

Western Travel Plaza, Inc., 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 and pleasure trips between the City and County of San Francisco, and the City of Los Angeles, on the one hand, and certain points named, on the other hand, over and along the routes 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. All service authorized shall be limited to the transportation of round-trip passengers only.
- b. Service shall be operated on an "on-call" basis. The term on-call refers to service which is authorized to be rendered dependent on the demands of passengers. The tariffs and timetable shall show the conditions under which each authorized on-call service will be rendered.
- c. All of the tours and special attractions shall be conducted in the Japanese language only.

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SECTION II. TOUR DESCRIPTIONS - SAN FRANCISCO.

Tour - Description

- 1 Yosemite National Park Tour  
Commencing at passengers' San Francisco hotel, cross the Bay Bridge, thence over Highways 580, 5, and 140 to Yosemite National Park, sightseeing and lunch at the Park, and return to San Francisco hotel.
  
- 2 Mystery Spot and Monterey, Carmel  
Commencing at passengers' San Francisco hotel, thence over Highways 101, 280, and 17 to Mystery Spot, thence over Highways 17 and 1 to Monterey, sightseeing points of interest, and lunch in Monterey, thence to Carmel via 17-Mile Drive, visiting and sightseeing points of interest in Carmel, and return to San Francisco hotel.
  
- 3 U. C. Berkeley and Sausalito  
Commencing at passengers' San Francisco hotel, thence cross Golden Gate Bridge to Sausalito, sightseeing various points of interest in Sausalito, thence cross Richmond Bridge to Berkeley and sightseeing of University of California at Berkeley campus, and return to San Francisco hotels via Bay Bridge.
  
- 4 San Francisco City Night Tour  
Commencing at passengers' San Francisco hotel, thence over the most appropriate and scenic streets visiting and viewing points of interest in the City of San Francisco, such as Treasure Island, Hyatt Regency Hotel, Fairmont Hotel, Chinatown, Broadway, and return to San Francisco hotel.

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SECTION III. TOUR DESCRIPTIONS - LOS ANGELES.

Tour - Description

- 1     Los Angeles City Night Tour  
Commencing at passengers' Los Angeles hotel, thence over the most appropriate and scenic streets visiting and viewing points of interest in the City of Los Angeles, such as, Griffith Observatory, La Honda, viewing entertainment, i.e., Mexican mariachi band, and other entertainment, then return to Los Angeles hotel.
  
- 2     San Diego and Tijuana  
Commencing at passengers' Los Angeles hotel, thence over Highway 5 to San Diego, thence over the most appropriate streets visiting and viewing points of interest in the City of San Diego such as Cape Loma, Old Town, Mission Bay, sailing ship Star of India, lunch at the Lighthouse Restaurant on Harbor Island, thence to San Ysidro border via Interstate 5 (transfer at border), sightseeing in Tijuana, thence north on Highway 5 to Carlsbad Winery, and return to Los Angeles hotel.
  
- 3     Disneyland Tour  
Starting at passengers' Los Angeles hotel, thence over Highway 5 to Disneyland, sightseeing at Disneyland, and return to Los Angeles hotel.

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