

Decision 93745

NOV 13 1981

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of California Pacific Coast Tours,)
Inc., a California Corporation,)
for a certificate of public con-)
venience and necessity to operate)
as a passenger stage corporation)
and conduct passenger sightseeing)
services in San Francisco, San)
Mateo, Santa Clara, Santa Cruz,)
San Benito, Monterey, San Luis)
Obispo, Santa Barbara, Ventura,)
Los Angeles, and Orange Counties.)

Application 60166
(Filed December 31, 1980)

F. Norman Clark, for California Pacific
Coast Tours, Inc., applicant.
Lat J. Celmins, Attorney at Law, for
California Parlor Car Tours, protestant.

O P I N I O N

California Pacific Coast Tours, Inc. requests a certificate of public convenience and necessity authorizing operations as a passenger stage corporation for sightseeing tours commencing from points in San Francisco, San Mateo, Santa Clara, Los Angeles, and Orange Counties to areas and points of interest in San Mateo, Santa Clara, Santa Cruz, San Benito, Monterey, San Luis Obispo, Santa Barbara, and Ventura Counties.

Public hearing was held before Administrative Law Judge Daly at San Francisco and the matter was submitted on July 21, 1981, upon the filing of concurrent briefs.

Although protests were filed by California Parlor Car Tours (CPCT); J. Mark Lavelle, doing business as Dolphin Tours; and San Francisco Bay Tours, Inc.; the protest of CPCT was directed to proposed Tours 4, 5, 6, and 7 only, the protest of J. Mark Lavelle was subsequently withdrawn, and no appearance was made on behalf of San Francisco Bay Tours, Inc. A motion by O'Connor Limousine Service, Inc. to file a late protest will be denied.

By Decision (D.) 93177 dated June 2, 1981, applicant was granted temporary authority to operate proposed Tour 1, which consists of a one-day round-trip sightseeing tour originating and terminating at San Francisco and includes a visit to Roaring Camp, a historical attraction at Felton in the Santa Cruz Mountains.

Applicant's Showing

Applicant is affiliated with Roaring Camp, Inc., a California corporation, organized in 1960, which operates the attraction known as Roaring Camp and Big Trees Narrow-Gauge Railroad at Felton. All of the proposed tours include a visit to Roaring Camp and according to applicant it has full access to and support of Roaring Camp's successful domestic and international marketing programs for implementation of its proposed tours.

Applicant intends to operate four round-trip tours from San Francisco.

Tour 1 would operate over the most scenic and convenient streets and highways along the San Francisco Peninsula to points of interest in San Mateo, Santa Clara, and Santa Cruz Counties, including, but not limited to, Roaring Camp steam train excursion and barbecue, winery, redwood forests, and Pacific Ocean coastline drive and return to San Francisco.

Tour 2 would operate over the most scenic and convenient streets and highways in San Mateo, Santa Clara, Santa Cruz, Monterey, and San Benito Counties, including, but not limited to, Pacific Ocean coast-line drive, redwood forests, Roaring Camp steam train excursion and barbecue, Monterey, Cannery Row, Pacific Grove, 17-Mile Drive, Carmel-By-The-Sea, San Juan Bautista and the San Francisco Peninsula, and return to San Francisco.

Tour 2A would be the same as Tour 2, but would include dinner in Monterey or San Juan Bautista.

Tour 3 would also be the same as Tour 2, but would include an overnight stay in Monterey/Carmel.

Tours 1 and 2 would be operated daily and Tours 2A and 3 would be operated as traffic demands.

In addition applicant proposes four one-way tours along the California coastline between San Francisco, San Mateo, and Santa Clara Counties, on the one hand, and Los Angeles and Orange Counties, on the other hand, and these tours are the subject of CPCT's protest.

Tour 4 covering a period of 2 days and one night would commence in Orange County, with passengers being picked up at points in Orange and Los Angeles Counties and then proceeding over the most scenic and convenient streets and highways to points of interest in Ventura, Santa Barbara, San Luis Obispo, Monterey, Santa Cruz, and Santa Clara Counties, including, but not limited to, Santa Barbara, Big Sur, Carmel-By-The-Sea, 17-Mile Drive, Monterey, Roaring Camp steam train excursion and barbecue and redwood forests. Passengers would be discharged at points in Santa Clara, San Mateo, and San Francisco Counties. An overnight stop would be made at Monterey/Carmel. Tour 5 would be the reverse of Tour 4.

Tour 6 would cover a period of 3 days and 2 nights. It would also commence in Orange County with passengers being picked up at points in Orange and Los Angeles Counties and then proceed over the most scenic and convenient streets and highways to points of interest in Ventura, Santa Barbara, San Luis Obispo, Monterey, San Benito, Santa Cruz, and Santa Clara Counties, including, but not limited to, Santa Barbara, Solvang, Hearst Castle, Big Sur, Carmel-By-The-Sea, 17-Mile Drive, Monterey, Roaring Camp steam train excursion and barbecue and redwood forests. Passengers would be discharged at points in Santa Clara, San Mateo, and San Francisco Counties. Overnight stops would be made in Santa Barbara or San Luis Obispo Counties and Monterey/Carmel. Tour 7 would be the reverse of Tour 6.

Tours 4, 5, 6, and 7 would be operated at least once a week with additional tours being provided in accordance with traffic demands.

Proposed fares include transportation, narration, specified attraction admissions, specified meals, hotel accommodations, taxes, gratuities, and are as follows:

<u>Total No.</u>	<u>Adult</u>	<u>Child</u>
1	\$ 35	\$ 25
2	48	32
2A	70	46
3	125	95
4	152	132
5	152	132
6	248	215
7	248	215

Applicant is presently using the equipment of Scenic Hiway Tours under a lease arrangement. These buses are equipped with heavily tinted, no-glare windows that curve up over the roof, restrooms, and public address systems. Additional equipment will be chartered from Falcon Lines and Franciscan Lines, which are located in San Francisco and Funbus which operates out of Anaheim. Within a year applicant intends to purchase specially designed sightseeing buses.

According to applicant the trend of foreign tourist traffic has moved away from group tours to a class of traffic referred to as Foreign Independent Travel (FIT). To properly develop this traffic applicant contends that it is essential that the language barrier be overcome by providing multilingual sightseeing tours. This will be accomplished by having multi- or bilingual guides on all tours. In addition, all tours will be provided with guide books published in various languages and containing maps and complete narrations of the tours. When applicant obtains its own buses it proposes to equip them with stereophonic sound systems that will enable a passenger, through the use of a dial and earphones, to select and hear a prepared narration in his own language.

The following is a summary of the public witness testimony in support of the application:

1. Dietrick Pahnke

As past president of the Convention and Visitors Bureau in Santa Cruz and manager of the Holiday Inn in Santa Cruz, he supports the application because he believes that it is important to the economy of Santa Cruz to promote all aspects of travel, and he believes that Roaring Camp is a high-quality attraction. He has spoken with representatives of international operators at wholesale trade shows, such as California International Trade Mart, and has been told that they would like to include the Santa Cruz area in their tour programs, not only for groups, but for individual travelers. He has had inquiries about the Roaring Camp attraction.

2. Thomas F. Hall

As director of marketing for the Santa Clara Marriott's Hotel, he expressed the opinion that the travel and tour business is

important to the development of hotel business and that scheduled sightseeing tours, as proposed by applicant, would be a welcomed additional service.

3. Pamela Ryan

As tour and travel manager for Marriott's Great America, she travels extensively around the world, talking to wholesalers who send groups and FIT business to the United States, specifically California. She recently returned from a trip that included Japan, Hong Kong, Singapore, and Australia, where she spoke to approximately 600 people who send groups and FIT business to California, specifically San Francisco, and Los Angeles. All were interested in such attractions as Great America, Disneyland, Knott's Berry Farm, Universal Studios, and Hearst Castle. She believes the trend is presently toward FIT travel rather than group. The only scheduled bus service to Great America, she stated, is provided by Greyhound.

4. Terry Wayne Scott

He is the regional director of Betanzos OK Tours, which is one of the largest wholesale tour operators in Mexico, and he also operates a wholesale tour operation in California under the name of Betanzos International, Inc., which deals in a personal bilingual service. He supports applicant's bilingual proposed service because it would provide him with more bilingual tours to sell. He believes the proposed scheduled services of applicant would make it convenient to connect with Betanzos OK Tours and that the inclusion of attractions such as Roaring Camp and Hearst Castle would be attractive to the Latin market.

5. Federico Carlos Benemann

As owner of Benemann California Tours in San Francisco, he specializes in foreign language groups and individuals and provides a guide service throughout the western United States, in such languages as French, German, Spanish, Italian, Russian, and Chinese. He has handled more than 100,000 visitors from abroad in the past 15 years and conducts a guide service and not a tour service. He has brought groups to Roaring Camp for the past five years and handles groups up to 300 in number. He has received requests from individuals and believes that the development of individual tours with multilingual capability is highly desirable. He also believes that the proposed use of multilanguage guide books and tapes are a very interesting and novel approach to sightseeing travel for foreign visitors.

6. Paula Lynch

She is west coast manager for Touraco International in San Francisco which operates throughout the United States, Canada, and Mexico for inbound tour traffic. Her company basically handles large tour groups, but because of a recent change in trend is concentrating more on individual travelers. The main source of business comes from Israel and the Middle East so there is a need for tours in Arabic and Hebrew. She has sent bus loads of tourists to Roaring Camp and Paul Masson Winery. She was on the first tour conducted by

applicant under its temporary authority, and expressed the opinion that it was a comfortable trip, professionally handled, and an excellent value.

Protestant's Showing

As a wholly owned subsidiary of Greyhound Lines, Inc., CPCT is engaged as a passenger stage corporation in the transportation of approximately 40,000 sightseeing passengers annually between points in California. Its protest is directed toward applicant's proposed Coast Tours 4, 5, 6, and 7. It has no objection to the other proposed tours, but requests that the Commission direct applicant to refrain from using its initials, which are the same as protestant's, in any manner that would mislead the public.

CPCT operates two tours that would be comparable to applicant's proposed Tours 4, 5, 6, and 7.

Tour LAIC is a two-day tour commencing in Los Angeles and includes:

1. One night accommodations at San Luis Bay Inn, Avila Beach;
2. Four meals including gratuities;
3. Transfer and gratuity for luggage at the hotel;
4. Sightseeing in Santa Barbara;
5. Visit to the Danish Community of Solvang;
6. Hearst Castle Tour;
7. Scenic Coastal Highway One;
8. Brief stops in Monterey;
9. Santa Cruz Mountains; and
10. Termination in San Francisco.

The tour is conducted 150 times a year in a northbound direction only. The fare is \$152 per person for an adult, as compared to applicant's proposed \$147 adult fare for Tours 4 and 5.

Tour LA2C is a three-day 2-night tour commencing in Los Angeles and includes:

1. Accommodations at the Shore Cliff Lodge, Pismo Beach, on the first night, and at the La Playa Hotel, Carmel-By-The-Sea on the second night;
2. Seven meals including gratuities;
3. Transfer and gratuity for luggage at hotels;
4. Sightseeing in Santa Barbara;
5. Visit to the Danish Community of Solvang;
6. Hearst Castle Tour;
7. Highway One and Big Sur;
8. 17-Mile Drive of Monterey Peninsula;
9. Carmel-By-The-Sea;
10. Santa Cruz Mountains; and
11. Termination in San Francisco.

The tour is conducted both northbound and southbound approximately 800 times a year. The fare is \$246, as compared to applicant's proposed fare of \$248 for Tours 6 and 7.

The main difference in the tours proposed by applicant and those being conducted by CPCT is applicant's proposal to include Roaring Camp as a tour attraction. According to CPCT's president and general manager, CPCT would be willing to include this feature if requested by a minimum of 32 passengers. He testified that all CPCT tours are narrated by the driver of the bus and that CPCT is prepared to provide bilingual or multilingual guided tours if there is a sufficient demand, but in no event would it install sound systems on buses to facilitate the use of taped narrations in various languages. He further testified that there has been a growth in individual booked passengers, as opposed to group bookings which have declined. This he attributed to higher air fares, which have affected

the overseas market. According to the witness CPCT has experienced a loss of traffic to newly certificated carriers, as well as to unregulated carriers, many of whom, he stated, cancel tours thereby creating a credibility problem because many tourists won't take other tours out of fear that they likewise will be canceled.

Discussion

The proposed service will provide regularly scheduled tour service to Roaring Camp and the Big Tree Narrow-Gauge Railroad, a point of interest for many domestic and international travelers. Located in a rural mountainous area and not served by scheduled public transportation, it is accessible by charter bus or automobile only.

The record clearly indicates that there is a trend toward individual travel as opposed to group travel. Applicant proposes to attract FIT market by providing a scheduled program that will link Roaring Camp with such points of interest as Disneyland, Universal Studios, Hearst Castle, Monterey/Carmel, Marriott's Great America, San Francisco, and Los Angeles. In addition, applicant proposes to provide innovative multilanguage tour service.

Although CPCT is presently providing coastal tours between San Francisco and Los Angeles and claims that it stands ready, willing, and able to provide service to Roaring Camp, its offer of service is conditioned upon a minimum of 32 passengers. This would not meet the needs of the individual traveler who would like to include a visit to Roaring Camp as part of a scheduled program. CPCT does not provide multilingual tours and none would be provided unless a minimum number of passengers requested such service and an additional charge is paid. Where applicant proposes a guide, thereby allowing the driver to devote full attention to driving, all of the CPCT tours are narrated by the drivers. In addition, CPCT does not operate its 2-day/1-night

tour southbound from San Francisco to Los Angeles, and applicant proposes to operate its tours in both directions. Clearly the service provided by CPCT and that which it stands ready, willing, and able to provide is not the same as that proposed by applicant.

We do not believe that the proposed service will have the adverse effect that CPCT claims it will have. It is safe to assume that the appeal of Roaring Camp and multilingual tours will not be the same for all members of the potential market. In addition the fact that applicant proposes an initial service of only one trip a week in each direction between San Francisco and Los Angeles as compared to CPCT's 950 trips annually would indicate that the diversion, if any, would be minimal.

Findings of Fact

1. Applicant proposes to operate scheduled round-trip sightseeing tours from San Francisco and one-way coastal sightseeing tours, in either direction, between San Francisco and Los Angeles.

2. Applicant is an affiliate of Roaring Camp, Inc., a California corporation, which operates an attraction located in the Santa Cruz Mountains known as Roaring Camp and Big Trees Narrow-Gauge Railroad. All of the proposed tours include a visit to Roaring Camp and the tours are designed to link Roaring Camp to other attractions located along the coast of California between San Francisco and Los Angeles.

3. As a feature of its service applicant proposes to provide multilingual narrated tours in the form of printed matter and tape recordings.

4. CPCT is presently operating approximately 950 coastal sightseeing tours between San Francisco and Los Angeles annually, but none of them include a visit to Roaring Camp and none are narrated in a foreign language unless requested by a minimum number of passengers and an additional charge is paid.

5. CPCT will provide service to Roaring Camp if a minimum of 32 passengers requests the service.

6. There is a growing trend in world tourism toward individual travel as opposed to group travel.

7. CPCT does not presently, nor does it propose, a scheduled service that will meet the needs and requirements of individual foreign tourists, who would like to visit Roaring Camp and other points of interest along the California coast between San Francisco and Los Angeles and to have the tour narrated in their own language.

8. Public convenience and necessity require applicant's service as proposed.

9. Applicant has the necessary equipment, experience, ability, fitness, and financial ability to conduct the proposed service.

10. The initials of applicant are the same as protestant's, which has used the initials "CPCT" for many years.

11. 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. The application should be granted since public convenience and necessity have been demonstrated. ^{1/}

^{1/} In other proceedings (A.59818 et al.) we reviewed our previous opinions that round-trip sightseeing is passenger stage transportation. In this application, hearings have been held and it would be unfair not to issue a decision based on the evidence and the issues raised by the parties. This decision, therefore, is written assuming that our traditional stance is in effect, as the decision in A.59818 et al. is not effective until 30 days from today.

2. Applicant should clearly identify and distinguish itself from California Parlor Car Tours, Inc. whenever it uses the initials "CPCT."

3. Since there is a public need for the proposed service the following order should be effective today.

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 California Pacific Coast Tours, Inc., a corporation, authorizing it to operate as a passenger stage corporation, as defined in PU Code Section 226, between the points and over the routes set forth in Appendix A, to transport persons.

2. Applicant shall:

- a. File a written acceptance of this 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.

3. Upon compliance with the requirements of Ordering Paragraph 2-b, the temporary authority granted by D.93177 is revoked.

4. Applicant shall clearly identify and distinguish itself from California Parlor Car Tours, Inc. whenever it uses the initials "CPCT."

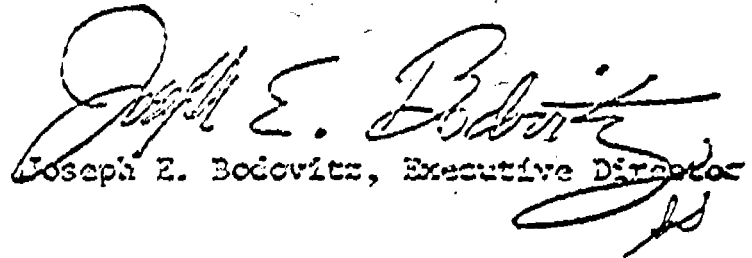
5. The motion of O'Connor Limousine Service to file a late protest is denied.

This order is effective today.

Dated NOV 13 1981, at San Francisco, California.

JOHN E. BRVSON
President
RICHARD D. GRAVELLE
LEONARD M. GRIMES, JR.
VICTOR CALVO
PRISCILLA C. GREW
Commissioners

I CERTIFY THAT THIS DECISION
WAS APPROVED BY THE ABOVE
COMMISSIONERS TODAY.


Joseph E. Bodovitz, Executive Director

T/seq/ALJ/ec

Appendix A CALIFORNIA PACIFIC COAST TOURS, INC. Original Page 1

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
AS A PASSENGER STAGE CORPORATION
PSC-1170

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

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 93745, dated
NOV 13 1981, of the Public Utilities Commission of the
State of California, in Application 60166.

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

The certificate noted cancels the operative authority previously granted to California Pacific Coast Tours, Inc. by Decision 93177.

California Pacific Coast Tours, Inc., by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to transport passengers and their baggage between San Francisco and the points named and certain intermediate and adjacent territories, over and along the routes described, subject, however, to the authority of this Commission to change or modify the 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. Service authorized on Routes 1, 2, 2-A, and 3 shall be limited to the transportation of round-trip passengers only.
- d. Tours shall be conducted on a continuous basis except for stops for sightseeing, meals, and lodging.
- e. 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, and accommodation for lodging; tariffs shall define and include the charges for such accessorial services.
- f. All such transportation shall be conducted on a sightseeing or pleasure tour basis.

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SECTION 1. GENERAL AUTHORIZATIONS, RESTRICTIONS, LIMITATIONS,
AND SPECIFICATIONS. (continued)

8. Carrier shall clearly identify and distinguish itself from California Parlor Car Tours, Inc. whenever it uses the initials "CPST".

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SECTION 2. ROUTE DESCRIPTIONS.

Route 1: San Francisco-Roaring Camp

Beginning in the City of San Francisco, then by the appropriate streets and highways to U.S. Highway 101, then by U.S. Highway 101, Interstate Highway 280, State Highway 1, State Highway 17, Interstate Highway 280, U.S. Highway 101, and the appropriate streets and highways to the point of beginning. Tour may be operated over streets, highways, or local roads to visit scenic locations or points of interest including, but not limited to, Roaring Camp, Santa Cruz, wineries, and redwood groves within 10 air miles of the above-named highways.

Route 2: San Francisco-Roaring Camp-Monterey

Beginning in the City of San Francisco, then by the appropriate streets and highways to U.S. Highway 101, then by U.S. Highway 101, Interstate Highway 280, and State Highway 1 to Monterey, then via the city streets of Monterey and Pacific Grove to the 17-Mile Drive, then via the city streets of Carmel to State Highway 1, then via State Highway 1, State Highway 156, U.S. Highway 101, State Highway 156 to Mission San Juan Bautista, then via State Highway 156, U.S. Highway 101, Interstate Highway 280, U.S. Highway 101 and the appropriate streets of San Francisco to the point of the beginning. Tour may be operated over streets, highways, or local roads to visit scenic locations or points of interest including, but not limited to, Roaring Camp, wineries, redwood groves, and Cannery Row (Monterey) within 10 air miles of the above-named highways.

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SECTION 2. ROUTE DESCRIPTIONS- (continued)

Route 2-A: San Francisco-Roaring Camp-Monterey (Dinner)

Route 2-A traverses the same roads and highways as Route 2 with dinner in either Monterey or San Juan Bautista.

Route 3: San Francisco-Roaring Camp-Monterey (Overnight)

Route 3 traverses the same roads and highways as Route 2 with dinner and overnight accommodations in the Monterey/Carmel area.

Route 4: Los Angeles Area-San Francisco Bay Area (2-day)

Beginning at the passengers' hotels or motels in Orange County and Los Angeles County, then by the appropriate streets or highways to U.S. Highway 101, then by U.S. Highway 101 to the junction at State Highway 1 near San Luis Obispo, then via State Highway 1, State Highway 17, and U.S. Highway 101 and the appropriate streets and highways to the passengers' hotels or motels in Santa Clara County, San Mateo County, and San Francisco County. Tour may be operated over streets, highways, or local roads to visit scenic locations or points of interest, including but not limited to, Santa Barbara, Big Sur, Carmel-By-The-Sea, 17-Mile Drive, Monterey, Roaring Camp steam train and barbecue, and redwood forests within 10 air miles of the above-named highways. Tour includes one night at a motel in Monterey/Carmel Area.

Route 5: San Francisco Bay Area-Los Angeles Area (2-day)

Route 5 traverses the same roads and highways as Route 4 except in the reverse direction.

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SECTION 2. ROUTE DESCRIPTIONS. (continued)

Route 6: Los Angeles Area-San Francisco Bay Area (3-day)

Route 6 traverses the same roads or highways as Route 4 except that more points of interest are included and two nights at motels in Monterey/Carmel area and San Luis Obispo or Santa Barbara Counties are included.

Route 7: San Francisco Bay Area-Los Angeles Area (3-days)

Route 7 traverses the same roads and highways as Route 6 except in the reverse direction.

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