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Decision 97-08-007 August 1, 1997

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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of PCSTC, Inc., doing business as Pacific Coast Sightseeing Tours and Charters for an extension of its passenger stage certificate Orange County.

Application 97-05-025
(Filed May 7, 1997)

ORIGINAL

OPINION

PCSTC, Inc., doing business as Pacific Coast Sightseeing Tours and Charters (applicant), a corporation, requests authority under Public Utilities (PU) Code § 1031 et seq. to extend its passenger stage corporation to transport passengers. Applicant is currently authorized to operate as a passenger stage corporation (PSC-1411) pursuant to Decision (D.) 92-08-062 between certain points in the central and southern parts of Orange County. The transportation service is provided between certain lodgings and certain attractions and shopping malls that includes Disneyland, Knotts Berry Farm, Movieland Wax Museum, South Coast Plaza Shopping Center, and other points of interests or attractions.

Applicant is also authorized by the U.S. Federal Government to provide Interstate and Foreign Charter and Special Operations service on a nationwide basis under Docket MC-184852. Applicant's Interstate destinations points are principally to Arizona, Nevada, and Utah and foreign destination points to Tijuana. Applicant is also authorized by this Commission to operate as a charter-party carrier within points in California. The application noticed the Commission that the previous shareholders of the applicant has transferred all of the issued and outstanding stock of the applicant to Coach USA, Inc. The transfer was authorized by the U.S. Federal Surface Transportation Board in its Decision, STB Finance Docket No.33343, May 9, 1997 and served on May 15, 1997. This document was attached to the letter of May 27, 1997,

addressed to the staff of Rail Safety and Carriers Division, submitted by applicant's counsel, Eldon M. Johnson.

This application proposes to extend its scheduled service. Applicant intends to service certain points within the Cities of Anaheim, Buena Park, Fullerton, Garden Grove, and Orange that contains hotels, motels, restaurants, live-performance show facilities, museums, recreational facilities, and other visitor attractions (Five Cities). From these points, applicant will transport passengers on a scheduled service via Interstate Freeway (I) 5, Highway (Hwy) 55, I-405, Hwy 1, I-5, and to San Clemente with intermediate stops at the South Coast Plaza Shopping Center in Costa Mesa, Fashion Island in Newport Beach, Laguna Beach, Dana Point, and San Juan Capistrano and return to the point of origin. Applicant proposes to operate this scheduled service by creating three zones and establishing fares within and between these zones. The zones are defined as: (1) Zone 1 - between the Five Cities and South Coast Plaza, (2) Zone 2 - between Newport Beach and Corona Del Mar, and (3) Zone 3 - between Laguna Beach and San Clemente. The proposed fares are: (1) \$6 one-way (OW) and \$10 round-trip (RT) within a single zone, (2) \$8 OW and \$14 RT between adjacent zones, (3) \$10 OW and \$18 RT between non-adjacent zones, and (4) \$22 RT all day, with unlimited stop and reboarding between and within all of the above zones. The round trip is limited to a single disembarking and reboarding, with the exception of the above item 4. Service will commence at 9 a.m. from the Five Cities and end with the last northbound bus departing from San Juan Capistrano at 9 p.m. The scheduled service will be provided hourly and each scheduled run in one direction from its first pickup to its final destination is estimated to be completed in approximately 90 minutes. The proposed transportation service offers the traveler the flexibility to visit the attractions on their time as compared to being subject to time constraint imposed in a sightseeing trip as the driver and the bus waits for the passengers before transporting them to another attraction or returns them to the point of origin. The proposed service will allow the applicant the flexibility in transporting its passengers to their desired destination points. The applicant will be able to make efficient use of its equipment. The proposed service is similar to the operations currently provided by the applicant

except that the service areas is being extended to provide the traveler greater access to other attractions in southern Orange County.

Applicant has a total of 71 vehicles that consists of: (a) 52 buses, whose seating capacity varies between 44-56, (b) five 25-passenger mini buses, and (c) nine vans with one 10-passenger van and eight 15-passenger vans. The proposed fares are reasonable.

Notice of filing of this application appeared in the Commission's Daily Calendar of May 15, 1997. The applicant notified all of the affected cities. No protest has been received.

The Rail Safety and Carriers Division recommends that this application be granted.

Findings of Fact

1. Applicant is currently authorized to operate as a scheduled passenger stage corporation pursuant to D.92-08-062 between certain lodgings and attractions in the central and southern parts of Orange County.

2. Applicant proposes to extend its scheduled service commencing from the Five Cities, then to I-5, Hwy 55, I-405, Hwy 1, I-5, and to San Clemente with intermediate stops at the South Coast Plaza Shopping Center in Costa Mesa, Fashion Island in Newport Beach, Laguna Beach, Dana Point, and San Juan Capistrano and then return to the point of origin.

3. The proposed fares are reasonable.
4. Public convenience and necessity require the proposed extension of service.
5. No protests to the application have been filed.
6. A public hearing is not necessary.
7. 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.
2. Since the matter is uncontested, the decision should be effective on the date signed.

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. The certificate of public convenience and necessity granted to PCSTC, Inc. (applicant), a corporation, authorizing it to operate as a passenger stage corporation, as defined in Public Utilities (PU) Code § 226, to transport persons and their baggage between the points and over the routes set forth in Appendix PSC-1411 of Decision 92-08-062, is amended by replacing Second Revised Pages 2 and 3 and Original Page 6 with Third Revised Pages 2 and 3 and First Revised Page 6.

2. Applicant shall:

- a. File a written acceptance of this amended 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 the tariffs and timetable 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 (GO) Series 101, 104, and 158, and the California Highway Patrol (CHP) safety rules.
- e. Maintain accounting records in conformity with the Uniform System of Accounts.
- f. Remit to the Commission the Transportation Reimbursement Fee required by PU Code § 403 when notified by mail to do so.
- g. Applicant shall comply with PU Code §§ 460.7 and 1043, relating to the Workers' Compensation laws of this state.

h. Comply with the controlled substance and alcohol testing certification program pursuant to PU Code § 1032.1 and GO Series 158.

3. Applicant is authorized to begin operations on the date that the Executive Director mails a notice to applicant that its evidence of insurance is on file with the Commission and that the CHP has approved the use of applicant's vehicles for service.

4. The application is granted as set forth above.

5. This proceeding is closed.

This order is effective today.

Dated August 1, 1997, at San Francisco, California.

P. GREGORY CONLON
President

JESSIE J. KNIGHT, JR.

HENRY M. DUQUE

JOSIAH L. NEEPER

RICHARD A. BILAS

Commissioners

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

PCSTC, INC., a corporation, by the certificate of public convenience and necessity granted by the *revised decision noted in the margin, is authorized to transport passengers and their baggage between the points noted in Section III, over and along the routes described in Section III, subject, however, to the authority of this Commission to change or modify the routes at any time and subject to the following provisions:

- a. When route descriptions are given in one direction, they apply to operation in either direction unless otherwise indicated.
- b. Scheduled service will be operated only at the designated service points listed in Section II. Such schedules shall be the timetable filed with the Commission. All of the stop points shall be described in the timetable filed with the Commission.
- c. The term "on-call", as used, refers to service which is authorized to be rendered dependent on the demands of passengers. The tariffs and timetables shall show the conditions under which each authorized on-call service will be rendered.
- c. This certificate does not authorize the holder to conduct any operation on the property of or into any airport unless such operation is authorized by the airport authority involved.
- d. Regular scheduled service shall be rendered on Routes C and *D.

Issued by California Public Utilities Commission.

*Revised by Decision 97-08-007, Application 97-05-025.

SECTION 2. SERVICE AREAS.

- A. Disneyland Service Area (Anaheim City) (Route A)
That portion of the City of Anaheim, which is bounded by; Vermont Ave on the north, State College Blvd on east, Anaheim city limit on the south, and Walnut St on the west.
- B. Anaheim Service Territory (Route B)
All of the hotels and motels which are bounded by; Lincoln Ave on the north, State College Blvd on the east, Chapman Ave on the south and Euclid Ave on the west.
- *C. Five City Origin Territory
Within the incorporated city limits of Anaheim, Buena Park, Fullerton, Garden Grove, and Orange, located within the County of Orange.

Issued by California Public Utilities Commission.

*Revised by Decision 97-08-007, Application 97-05-025.

SECTION 3. ROUTE DESCRIPTIONS (concluded).

Route C-1 South Coast Plaza/Newport Beach

Commencing at South Coast Plaza, 3333 Bristol St., Costa Mesa, then over and along the most convenient street and highways to the following points:

Newport Resort, 1107 Jamboree Road, Newport Beach;
Sheraton Newport Hotel, 4545 MacArthur Blvd., Newport Beach;
Registry Hotel, 18800 MacArthur Blvd., Irvine;
Airporter Inn, 18700 MacArthur Blvd., Irvine;
Irvine Marriott, 18000 Von Karman, Irvine and
Westin South Coast Plaza Hotel, 666 Anton Blvd., Costa Mesa.

Route C-2 South Coast Plaza/Leisure World

Commencing at South Coast Plaza, 3333 Bristol St., Costa Mesa, then over and along the most convenient street and highways to Leisure World, 23522 Paseo De Valencia, Laguna Hills.

*Route D Five Cities/San Clemente

Commencing from any point in the Five City Territory, as described in Section 2, then over the most convenient streets to Interstate (I) 5, Highway (Hwy) 55, I-405, Hwy 1, I-5 and then to San Clemente, with intermediate stops at the following points:

South Coast Plaza Shopping Center, Costa Mesa;
Fashion Island, Newport Beach;
Laguna Beach;
Dana Point and
San Juan Capistrano.

Issued by California Public Utilities Commission.

*Revised by Decision 97-08-007, Application 97-05-025.