

Decision No. 83528

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
BETTY JEAN TIBBETTS for certificate
of Public Convenience and Necessity
to operate a passenger stage service
between Laytonville and Ukiah.

Application No. 54394
(Filed October 18, 1973;
amended April 10, 1974
and May 3, 1974)

Jean Tibbetts and Hal Tibbetts, for applicant.
Richard M. Hannon, Attorney at Law, for Greyhound
Lines, Inc., Western Division, protestant.
Conrad L. Cox, Attorney at Law, for Ukiah Cab Co.,
interested party.
R. E. Douglas, for the Commission staff.

O P I N I O N

This application was originally filed on October 18, 1973 to request authority to operate a passenger stage service between Laytonville and Ukiah with a 45-passenger bus. Greyhound Lines, Inc., West Division (Greyhound), filed a protest on November 1, 1973. The application was scheduled for hearing on December 21, 1973, was removed from the hearing calendar on December 13, 1973, and continued to May 1974, as requested by applicant. An "Amendment to Application" was filed on April 10, 1974 which reduced the proposed service area to between Ukiah and Willits, the southern half of the original route; and proposed one scheduled round-trip daily, plus an on-call service, using two 6-passenger sedans, with two 12-passenger vans on order. The amendment advised that no large buses would be used in the new service. A "Second Amendment To Application" was filed on May 3, 1974. It includes the information from the first amendment and lists the conditions which favor the grant of the application. A hearing was scheduled and held in Ukiah on July 2, 1974 before Examiner Fraser. Greyhound appeared as a protestant, along with the Commission staff, and an interested party.

Six members of the public testified for the applicant. Two were mothers of retarded children who testified that applicant has been transporting retarded children from Willits to special classes in Ukiah, and has been bringing them home when class is over. The county pays for the transportation on a monthly basis. Applicant's vehicles operate between home and school, since none of the children are capable of taking a regular bus, getting off at the correct bus stop, and walking to the school. Parents can ride for a 90 cent one-way fare, if there is room in the vehicle. No other taxi or bus company is willing to provide this service. Two hospitals were represented by administrative personnel. They testified applicant is always available to transport patients to doctors offices, shopping, or to visit in town. They favor applicant's proposal to transport patients on a regular basis to Lake Mendocino and other nearby points of interest. It will provide a diversion for convalescing patients who have little to do in a small hospital. It is important to them that this service be started and applicant is the only one who expressed an interest in providing it. Testimony of the last two witnesses is not relevant in view of the stipulation filed by the parties.

Applicant testified as follows: The daily schedule involves a 6-passenger sedan which picks up three retarded children in Willits at 7:15 a.m. They are transported to school in Ukiah five days a week. Adults occasionally ride in the two remaining seats for a one-way fare of 90 cents. After dropping the children at school the vehicle will visit the hospitals and pick up patients for the special excursions previously described. After returning the patients, the vehicle collects the children leaving school at 4:30 p.m. and is back in Willits about 5:00 p.m. The six-passenger sedans may be replaced by 11-passenger vans, if the sedans prove inadequate for the hospital service. Applicant stipulated she will accept a certificate which is

limited to the transportation of the handicapped, retarded, ill, convalescent, disabled or senile elderly, and attendants who are required to accompany them. The service area was defined as between Willits and Ukiah by any convenient route. This area will be supplemented by a five mile extension from the Ukiah city limits to include Lake Mendocino and a hospital located outside of the municipal boundaries. Greyhound withdrew its protest when the stipulation was approved.

Findings

1. Applicant is transporting retarded children from Willits to school in Ukiah.
2. Applicant is applying to expand this service to provide short midday excursions, daily by sedan or van, for Ukiah's convalescing hospital patients to nearby points of interest.
3. Applicant should be authorized to transport the handicapped, retarded, ill, convalescent, disabled or senile elderly, and attendants who are required to accompany them, between Willits and Ukiah by any convenient route and within a five mile radius of the Ukiah city limits.
4. Applicant should not be authorized to transport the general public.
5. The protest of Greyhound was withdrawn after applicant accepted the stipulation.
6. The proposed service described herein is scheduled to satisfy the stated public need.
7. Applicant possesses the ability, experience, equipment, and financial resources needed to perform the aforesaid service.
8. Public convenience and necessity require that the service proposed by applicant be established.
9. We find with reasonable certainty that the project involved in this proceeding will not have a significant effect on the environment.

The Commission concludes that the proposed service should be authorized.

Applicant is 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. A certificate of public convenience and necessity is granted to Betty Jean Tibbetts, authorizing her to operate as a passenger stage corporation, as defined in Section 226 of the Public Utilities Code, between the points and over the routes set forth in Appendix A, attached hereto and made a part hereof.

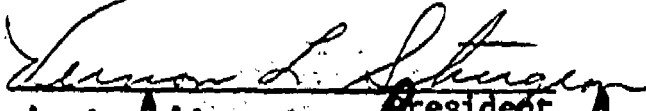



2. In providing service pursuant to the authority granted by this order, applicant shall comply with the following service regulations. Failure so to do may result in a cancellation of the authority.

- (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 she accepts the certificate she 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, 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 Nos. 79-Series and 98-Series.
- (e) Applicant shall maintain her 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 her 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 twenty days after the date hereof.

Dated at San Francisco, California, this 1st
day of OCTOBER, 1974.


President



Commissioners

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY

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

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 No. 83528, dated
OCT 1 - 1974, of the Public Utilities Commission of the State of
California, on Application No. 54394.

INDEXPage No.

SECTION 1. GENERAL AUTHORIZATIONS, RESTRICTIONS, LIMITATIONS, AND SPECIFICATIONS	3
SECTION 2. ROUTE DESCRIPTIONS	

<u>Route</u>	<u>Route Name</u>	
1	Ukiah - Willits	4

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

Betty Jean Tibbetts, by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to transport passengers and baggage, between Willits and Ukiah and certain territories intermediate and adjacent thereto, 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) The term "on-call" as used herein 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.
- (d) Service shall be operated over and along the most convenient and direct streets or highways within the Cities of Willits and Ukiah in accordance with local traffic regulations.
- (e) All service herein authorized shall be limited to the transportation of handicapped, retarded, ill, convalescent, disabled, senile or elderly persons, and attendants who are required to accompany them.
- (f) Applicant shall not pick up or discharge passengers except within the limits of the specified service areas as hereinafter set forth. This restriction shall not prevent stopovers for the purpose of permitting sight-seeing passengers to visit various points of interest along the route.

Issued by California Public Utilities Commission.

Decision No. 83528, Application No. 54394.

SECTION 2. ROUTE DESCRIPTIONS.

Route No. 1. Ukiah-Willits

Between the Cities of Willits and Ukiah by any convenient route and within five airline miles of the City of Ukiah by any convenient route.