

Decision No. 85878

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)	
Yellow Cab Company "a partnership")	
for certificate of public convenience)	Application No. 56235
and necessity to operate a dial-a-ride)	(Filed January 27, 1976
passenger service throughout the)	Amended March 19, 1976
urbanized area of Marysville, Yuba)	
City, Yuba County and Sutter County.)	

O P I N I O N

Jimmy Willis and Phenton Willis, a partnership doing business as Yellow Cab Company, seek in this application to establish a "dial-a-ride" passenger stage service between points within the service area described by the Hub Area Transit Authority, a joint powers agency comprised of Marysville, Yuba City, Sutter County and Yolo County. Substantially, the operation will encompass the Marysville-Yuba City urban area including the town of Tierra Buena.

The proposed service will be provided for senior citizens who are 60 years and older and handicapped persons as defined by the Urban Mass Transportation Administration. In addition to transporting persons, applicants will transport the personal belongings accompanying the passenger(s) such as wheelchairs, strollers, baggage, groceries and other items that can be hand-carried by one person. Applicants' drivers will, upon request from the passenger(s), assist in loading and unloading the personal belongings.

The service will be performed on an "on-call" basis only, with a minimum of five (5) passengers daily between 8:00 a.m. and 5:00 p.m. On Saturdays the schedule will be between 9:00 and 3:00 p.m., and on Sundays and Holidays, between 8:00 a.m. and 3:00 p.m.

The proposed fare for each person is ten cents payable in cash. In addition to this money, applicants will receive additional money through their contracting party, Hub Area Transit Authority.

The equipment available for this operation is 5 six-passenger sedans, 6 nine-passenger station wagons, 2 twelve-passenger vans and one wheelchair lift van. Each of these vehicles, when operating as a passenger stage, will be designated as such with a sign displaying "HATA OUR CAR".

Applicants intend to perform the service when initiated by a telephone call from the patron to the carrier's dial-a-ride control center. The caller will be asked to furnish information as to where he may be picked up, his destination and the number of persons to be transported. Callers will be advised the approximate time of pick up subject to a maximum waiting time of 30 minutes. Applicants will dispatch a vehicle that can provide the most immediate service usually a vehicle that is closest to the caller's pickup point, by an areawide two-way radio system. The vehicle will pick up other callers who are on the same route as the caller(s). Applicants will try to avoid undue delay either at the point of pickup or while en route.

Passengers who are transported beyond the service area described herein will be assessed the taxi fare rate.

Applicants allege that a Certificate of Public Convenience and Necessity to operate as a passenger stage corporation defined in Section 226 of the Public Utilities Code is needed to transport the elderly and handicapped in dial-a-ride service, as they are unable to use the existing system. The service will also facilitate access to health and related medical centers and provide low cost transportation to those individuals who are on a fixed income.

The application and its amendment were listed on the Commission's Daily Calendar on January 30 and March 22, 1976, respectively. The Commission's Transportation Division staff has

reviewed the application as amended and recommends that in the absence of protest or request for public hearing, it should be granted by ex parte order.

Applicants verify that copies of the application were mailed to Greyhound Lines, Inc., Hub Area Transit Authority, the Cities of Marysville and Yuba City, the Counties of Sutter and Yuba and the Sacramento Regional Area Planning Commission. No protest has been received.

The Commission finds that public convenience and necessity require that the passenger stage service proposed by the applicants be established. We also find with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

The Commission concludes that a public hearing is not necessary and the application should be granted.

Applicants are 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 Jimmy Willis and Phenton Willis, doing business as Yellow Cab Company, authorizing them to operate as a passenger stage corporation, as defined in Section 226 of the Public Utilities Code, between the points set forth in Appendix A of this decision.

2. In providing service pursuant to the authority granted by this order, applicants 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, applicants shall file a written acceptance of the certificate granted. Applicants are placed on notice that if they accept the certificate they 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, applicants 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 five days after the effective date of this order on not less than five 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 93-Series.
- (e) Applicants shall maintain their 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 their operations in such form, content, and number of copies as the Commission, from time to time, shall prescribe.

As the proposed service to be offered by the applicants is contingent on subsidies through S.B. 235 and the allocation of this money by the managing agency is approaching the deadline for next year's budget, the effective date of this order is the date hereof.

Dated at San Francisco, California, this 25th
day of MAY, 1976.

President
William L. Grooms, Jr.
Vernon L. Sturgeon

Robert Baker
Commissioners

Commissioner D. W. Holmes, being necessarily absent, did not participate in the disposition of this proceeding.

Commissioner Leonard Ross, being necessarily absent, did not participate in the disposition of this proceeding.

Appendix A

Jimmy Willis and Phenton Willis
a partnership
dba YELLOW CAB COMPANY

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GENERAL AUTHORIZATIONS, RESTRICTIONS, LIMITATIONS
AND SPECIFICATIONS.

Jimmy Willis and Phenton Willis, a partnership doing business as Yellow Cab Company, as granted by the decision noted in the margin, are authorized to operate as a passenger stage corporation to transport senior citizens who are sixty years and older and handicapped persons (as defined by the Urban Mass Transportation Administration) and their personal belongings that can be hand-carried by one person, in a "dial-a-ride" service, within the service area boundary defined by HUB Area Transit Authority that substantially encompasses the urbanized area of Marysville-Yuba City including Tierra Buena, subject, however, to the authority of this Commission to change or modify this authority at any time and subject to the following provisions:

- a. Service shall be operated on an "on-call" basis. 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.
- b. When a vehicle is in service, it shall bear a sign that reads "HATA OUR CAR".
- c. Service shall be rendered via a direct route from the point of origin to the point of destination of a passenger, except that when more than one passenger is to be transported in a single vehicle, service shall be rendered by the most direct routing possible, taking into consideration the various points of origin and destination of the several passengers.
- d. Drivers shall have discretion in choosing routings and order of origins and destinations, based upon the above considerations.

Issued by California Public Utilities Commission.

Decision No. 85878, Application No. 56235.