

Decision No. 85993

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
Volunteer Bureau of Sonoma County  
for certificate of public convenience  
and necessity to operate passenger  
service in Santa Rosa area.

Application No. 56367  
(Filed March 30, 1976;  
amended May 7, 1976)

O P I N I O N

Statement of Facts

The Volunteer Bureau of Sonoma (the Bureau), a nonprofit corporation, currently operates a transportation service called "volunteer wheels". The service has been provided free of charge and was designed to provide transportation to and from medical, dental, therapy, social service, and other essential agencies for those with special needs. The Bureau also provides transportation for wheelchair patients to and from classes and recreational programs.

Since January 1975 the Bureau has been funded with an \$8,120 pilot project grant from the city of Santa Rosa. This grant will be exhausted July 1, 1976, and the Bureau and the city of Santa Rosa desire to keep the program in operation thereafter by using funds available under provisions of the Mills-Alquist-Deddeh Act of 1971, as amended. The clientele of the Bureau are referred by an agency or a doctor who together with the coordinator of the Bureau determine that the individual has no other means of transportation. A nominal fee not to exceed ten cents per round trip will be charged.

By this application the Bureau seeks a certificate of public convenience and necessity to operate a common carrier passenger stage service within the Santa Rosa General Plan Area, bounded by: Shiloh Road, Bennett Ridge, Todd Road, and the Laguna in Sonoma County. The Bureau operates a Dodge van, Sportsman model, 318 engine, with a seating capacity of 4 ambulatory and 3 wheelchair passengers.

The application was listed on the Commission's Daily Calendar of March 31, 1976. No objection to granting the certification has been received.

Discussion

The California Legislature in 1971 enacted the Mills-Alquist-Deddeh Act (Stats. 1971, c. 1400, p. 2778, Section 3). In doing so, the Legislature specifically found that:

"... public transportation is an essential component part of the balanced transportation system which must be maintained and developed so as to permit the efficient and orderly movement of people and goods in the urban areas of the state. Public transportation systems provide an essential public service which must be available at a charge to the user which will encourage maximum utilization of the efficiencies of the service for the benefit of the total transportation system of the state, and which will not deprive the elderly, the handicapped, the youth, and the citizens of limited means of the ability to freely utilize the service."

The Act was amended in 1974 (Stats. 1974, c. 764, p. 1680, Section 1) to expand coverage to allow certain counties and cities to file claims with the state transportation planning agency (as relevant here) for:

"(c) payments to a common carrier, as defined in Section 211, engaged in the transportation of persons, as defined in Section 208, for public transportation service provided under contract with a county with a population of under 300,000, or a city therein, and conducted pursuant to the jurisdiction and control of the Public Utilities Commission."<sup>1/</sup>

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<sup>1/</sup> Public Utilities Code Section 99400(c).

Section 211 of the Public Utilities Code states:

"'Common carrier' includes:

- "(a) Every railroad corporation; street railroad corporation; express corporation; freight forwarder; dispatch, sleeping car, dining car, drawing-room car, freight, freight-line, refrigerator, oil, stock, fruit, car loaning, car renting, car loading, and every other car corporation or person operating for compensation within this State.
- "(b) Every corporation or person, owning, controlling, operating, or managing any vessel engaged in the transportation of persons or property for compensation between points upon the inland waters of this State or upon the high seas between points within this State, except as provided in Section 212. 'Inland waters' as used in this section includes all navigable waters within this state other than the high seas.
- "(c) Every 'passenger stage corporation' operating within this State.
- "(d) Every highway common carrier, cement carrier, and every petroleum irregular route carrier operating within this State."

Section 212 is not relevant here, thus making it obvious that as used in the amended Mills-Alquist-Deddeh Act, "common carrier" as relevant to the Bureau can mean only a "passenger stage corporation". In Section 226, "passenger stage corporation" is defined (as material here) as including "...every corporation or person engaged as a common carrier, for compensation, in the ownership, control, operation, or management of any passenger stage over any public highway in this state..." Section 225 defines "passenger stage" as including "...every stage, auto stage, or other motor vehicle used in the transportation of persons and their baggage or express..."

The Bureau seeks certification by the Commission as a common carrier passenger stage corporation only so that they may qualify for payments under the Mills-Alquist-Deddeh Act. However, we find that they have also made an affirmative showing that the public convenience and necessity require their additional service, a class of service which cannot readily be rendered by established public transportation companies. While "public convenience and necessity" has no precise meaning, it tends to be synonymous with public interest and implies a broad view of the needs of that particular class of the public concerned. The law looks not to the desires or necessities of the operator, but solely to the fact of whether the public requires the service proposed (Santa Clara Valley Auto Line (1917) 14 CRC 112, 118, and Motor Transit Co. (1923) 23 CRC 1, 3). In the case at hand, the particular class of the public involved--the handicapped, the elderly, and the needy--is frequently unable, either physically or financially, to utilize standard taxicab or private limousine services. But none the less, their needs to visit doctors and clinics for medical attention or therapy, and social service offices and schools for recreation, advice, and education are very real. These needs, unique to their class, present a problem for society. The service the Bureau has heretofore furnished has admirably filled this gap. But funding will shortly end and the Bureau cannot continue to meet this service need without a new source of funds.<sup>2/</sup> The Mills-Alquist-Deddeh Act provides such a source. Thus the service proposed by this application will uniquely meet an urgent public need. Applicants possess the desirable experience and appropriate equipment to provide the proposed service. The proposed minimal fare is reasonable under all the circumstances. Applicant with its broad

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2/ The Bureau obtains some funds from voluntary contributions of well-wishers, and many of its drivers volunteer their services free of charge. But the bulk of their income depends upon outside funding such as has been provided by the city of Santa Rosa.

public base, as evidenced by the composition of its Board of Directors, will enjoy public support in its venture. With access to funds through the state transportation planning agency its financial base appears strong. Finally, in that a number of individuals can be accommodated at the same time in applicant's vehicle, this service will tend to eliminate some private autos from the highways, thus reducing air pollution and traffic congestion, as well as conserving gasoline.

For these reasons we find that an affirmative showing has been made that public convenience and necessity require this service which cannot reasonably be rendered by existing transportation facilities.

#### Findings

1. Public convenience and necessity require that the Bureau be authorized to engage in operation of passenger stage service within the Santa Rosa General Plan Area, bounded by: Shiloh Road, Bennett Ridge, Todd Road, and the Laguna in Sonoma County.

2. The Bureau possesses the desirable experience, appropriate equipment, and access to financial resources to provide the proposed services.

3. The proposed fare, under the special circumstances of this application, is reasonable.

4. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

5. A public hearing is not necessary.

#### Conclusion

The application should be granted as set forth in the ensuing order. Because applicant will exhaust its present source of funds July 1, 1976, we will make this decision effective the date of signing.

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 Volunteer Bureau of Sonoma County, a California nonprofit corporation, authorizing it to operate as a passenger stage corporation, as defined in Section 226 of the Public Utilities Code within the Santa Rosa General Plan Area, bounded by: Shiloh Road, Bennett Ridge, Todd Road, and the Laguna in Sonoma County.

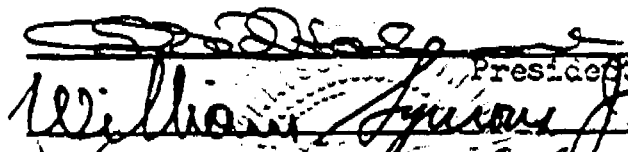
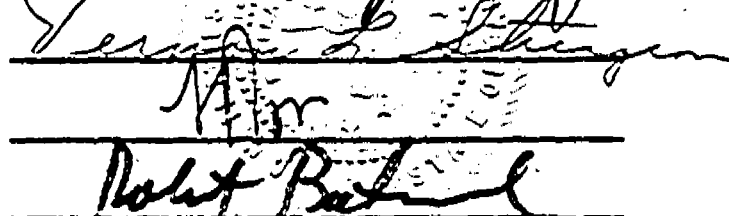
2. In providing service pursuant to the authority granted by this order, Volunteer Bureau of Sonoma County shall comply with the following service regulations. Failure so to do may result in a cancellation of the authority.

- (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 it accepts the certificate it 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 services and file a copy of its tariff and timetable, in triplicate, in the Commission's office.

- (c) The tariff and timetable 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 effective date of the tariff and timetable shall be concurrent with the establishment of the authorized services.
- (d) The tariff and timetable 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 its accounting records on a calendar year basis in conformance with the applicable Uniform System of Accounts or Chart of Account 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 its operations in such form, content, and number of copies as the Commission, from time to time, shall prescribe.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 22<sup>nd</sup>  
day of JUNE, 1976.

  
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President  
  
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Commissioners

The Volunteer Bureau of Sonoma County, a nonprofit corporation doing business as Volunteer Wheels, as granted by the decision noted in the margin, is authorized to operate as a passenger stage corporation to transport the handicapped, elderly, and the needy within the Santa Rosa General Plan Area bounded by Shiloh Road, Bennett Ridge, Todd Road, and the Laguna in Sonoma County, 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. Service for the handicapped, elderly, and the needy shall be determined by the attending physician and the applicant.
- 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.

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