

ORIGINAL

Decision No. 86487

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of SCENIC HYWAY TOURS INC., dba)  
ADAMS CHARTER COACHES, of San Francisco,  
California, for renewal of certificated  
authority to operate as a charter-party  
carrier of passengers. (TCP 186-A)

Application No. 55436  
(Filed January 10, 1975)

Application of RICHARD E. TWINING, dba  
ADAMS CHARTER COACHES/SCENIC HIGHWAY  
TOURS, of San Francisco, California,  
for renewal of certificated authority  
to operate as a charter-party carrier  
of passengers. (TCP 156-A)

Application No. 55437  
(Filed January 10, 1975)

O P I N I O N

Applicants seek renewal of Class A charter-party carrier of passengers certificates heretofore issued to them and presently under suspension. A protest to each application filed by another Class A charter-party carrier of passengers has been withdrawn. The matter had been set for hearing and was subsequently removed from the calendar. A report setting forth the background of each applicant and certain recommendations has been filed by the Commission staff. By letter dated June 17, 1976, the attorney for applicants agreed to the staff recommendations. There are now no protestants to either application. The staff report and the letter of June 17, 1976 from applicant's attorney have been received in evidence as Exhibits 1 and 2, respectively, in each matter.

Findings

1. Class A Charter-party Carrier of Passengers Certificate TCP-186-A was transferred to Scenic Hyway Tours Inc. from Agnes G. Adams in 1972. Richard E. Twining is the president and sole owner

of the corporation. Class A Charter-party Carrier of Passengers Certificate TCP-156-A was transferred to Richard E. Twining, doing business as Adams Charter Coaches/Scenic Highway Tours, from County Transit Lines, Inc. in 1970. Both certificates are presently in suspension.

2. Both applicants have the same business address which is 3600 21st Street, San Francisco. The home terminal of the equipment operated under Certificate TCP-186-A is also located at this address, and the home terminal of the equipment operated under Certificate TCP-156-A is located at Telegraph and Norwalk Streets, Santa Fe Springs.

3. The California Highway Patrol, which inspects the equipment of charter-party carriers, has had difficulties in the past in locating the equipment of applicants for this purpose.

4. The insurance policy in effect for Certificate TCP-186-A does not include the fictitious name shown on the certificate, and the insurance policy in effect for Certificate TCP-156-A includes two fictitious names which are not on the certificate and have not been authorized by the Commission.

5. The staff has had difficulty at times in contacting applicants.

6. Applicants should not do business under fictitious names which are not shown on their operating authority, and their insurance policies should include all fictitious names shown on their operating authority and no others.

7. Richard E. Twining has not continually conducted operations under the two certificates. As stated in Exhibit 2, Certificate TCP-156-A will be transferred and sold to an independent company in which Richard E. Twining has no interest.

8. It is in the public interest that both certificates be renewed and that charter-party carrier operations be actively conducted under them.

9. The recommendations by the staff in Exhibit 1, which are concurred in by Richard E. Twining as stated in Exhibit 2, are reasonable and should be adopted in the order which follows.

Conclusions

1. Certificate TCP-156-A should remain in suspension for an additional period of not to exceed six months from the effective date of this order; Richard E. Twining should be directed to transfer the certificate during this six-month period to some responsible party with whom he has no interest and who would diligently and actively use it to provide service to the public; and in the event this certificate is not so transferred during this time period, it should be revoked.

2. Certificate TCP-186-A should remain in suspension for an additional period of three months from the effective date of this order, or until Richard E. Twining complies with the conditions set forth in the order which follows; in the event he complies with these conditions within the three-month period, the certificate should be renewed for a period of one year from the date of compliance; and should he not comply with the conditions within the three months, the suspension should be continued for an additional six-month period during which time he should transfer the certificate to a responsible party, and if he does not do so, it should be revoked.

O R D E R

IT IS ORDERED that:

1. Class A Charter-party Carrier of Passengers Certificate TCP-156-A of Richard E. Twining, doing business as Adams Charter Coaches/Scenic Highway Tours, is continued in suspension for a period of six months from the effective date of this order; Richard E. Twining shall, during this six-month period, transfer the

certificate to some responsible party with whom he has no interest and who would diligently and actively place it in use to provide service to the public; and in the event this certificate is not so transferred within the six-month period, it shall be revoked.

2. Class A Charter-party Carrier of Passengers Certificate TCP-186-A of Scenic Hyway Tours Inc., doing business as Adams Charter Coaches, is continued in suspension for the periods and subject to the conditions set forth below:

A. The suspension is extended for a period of not to exceed three months from the effective date of this order within which time Scenic Hyway Tours Inc. shall promptly comply with the following conditions:

- a. File with the Commission any additional fictitious names not already on file which it, or any interest under its control, intends to use in providing charter bus service to the public in the future.
- b. File a statement with the Commission identifying each and every location by address and telephone number for each of the following activities: general business and mailing purposes, public contact for arranging transportation, maintenance of vehicles, storage and servicing of vehicles, and maintaining records of charter trips as required by Part 13 of General Order No. 98-A.
- c. File a statement with the Commission that clearly identifies all bus equipment that it now has for charter bus service for the public and specify whether the

equipment is capable of and available for immediately providing such service.

- d. Notify the California Highway Patrol of the aforementioned equipment and make it available for safety inspection by the California Highway Patrol at a convenient time and place.
  - e. File an insurance certificate with the Commission that includes fictitious names that are in conformity with those shown on Certificate TCP-186-A.
- B. In the event the conditions set forth in subparagraph A are complied with within the three-month period, Certificate TCP-186-A shall be renewed for a one-year period from the date of such compliance.
- C. Should the conditions in subparagraph A not be complied with within the three-month period, Certificate TCP-186-A shall be continued in suspension for an additional six-month period during which

time it shall be transferred to a responsible party, and if it is not so transferred within this further period of suspension, it shall be revoked.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 13<sup>th</sup> day of OCTOBER, 1976.

[Signature] President  
William J. Quaresima  
Thomas L. Slattery  
Donald Ross  
Robert B. [Signature] Commissioners