

Decision 84 06 050

JUN 6 1984

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of Robert S. Jagelski (individual) dba Custom Tours for a Class B charter bus certificate from home terminal at Mt. View.

Application 84-03-32
(Filed March 8, 1984)

O P I N I O N

Robert S. Jagelski, an individual, dba Custom Tours, has applied for a certificate of public convenience and necessity as a Class B charter-party carrier of passengers (Public Utilities (PU) Code §§ 5371 to 5375).

No other Commission operating authority has been held by applicant.

Applicant states that he has had experience in the operation of bus services as follows: Gray Line driver in San Francisco during the summers from 1968 to 1974 and operated sightseeing tours for two years.

Applicant states that he intends to perform tours and airport transportation from hotels and motels located in the Mountain View and Sunnyvale area. The service has been offered in 14-passenger vans. Applicant now desires to provide the service in buses. Applicant alleges that the proposed operations are required because no commercial bus company is located in the area.

Applicant's total assets are \$367,000; \$75,000 of this is attributed to applicant's two buses. It is projected that the typical year's revenue mileage will be 50,000 miles producing a revenue of \$55,000.

Notice of the filing of this application appeared in the Commission's Daily Transportation Calendar of March 15, 1984. No protests have been received.

Findings of Fact

1. Applicant has the ability, experience, equipment, and financial resources to perform the proposed service.
2. Public convenience and necessity require the service proposed by applicant.
3. Applicant should be authorized to pick up passengers within a radius of 40 air miles from his home terminal at 954 Alta, Mountain View.
4. No protest has been received and a public hearing is not necessary.
5. 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. Public convenience and necessity have been demonstrated and a certificate should be granted.
2. This order should become effective immediately as public convenience and necessity have been demonstrated.

O R D E R

IT IS ORDERED that:

1. A certificate of public convenience and necessity, to be renewed each year, is granted to R. S. Jagelski authorizing him to operate as a Class B charter-party carrier of passengers, as defined in PU Code § 5383, from a service area with a radius of 40 air miles from applicant's home terminal at 954 Alta, Mountain View.
2. Applicant shall:
 - a. Obtain California Highway Patrol (CHP) clearance for each vehicle to be used in this Class E charter-party operation.
 - b. Notify the Commission and CHP of any addition or deletion of vehicle(s) used in the service prior to use.
 - c. Establish the authorized service within 360 days after this order is effective.

3. The Passenger Operations Branch will issue the annual renewable certificate on Form PE-695 as authorized by Resolution PE-303 when it receives CHP clearances and evidence of liability protection in compliance with General Order Series 115.

4. In providing service under the certificate, applicant shall comply with General Orders Series 98 and 115 and the CHP safety rules.

5. Prior to initiating service to any airport, applicant shall notify the airport authority involved. This certificate does not authorize the holder to conduct any operations on the property of or into any airport unless such operation is authorized by both this Commission and the airport authority involved.

6. The Class B certificate of public convenience and necessity granted by this order does not authorize round-trip sightseeing-tour service, which is not subject to regulation by this Commission. It does, however, permit applicant to offer charter service to a sightseeing-tour operator.

7. The application is granted as set forth above.
This order is effective today.

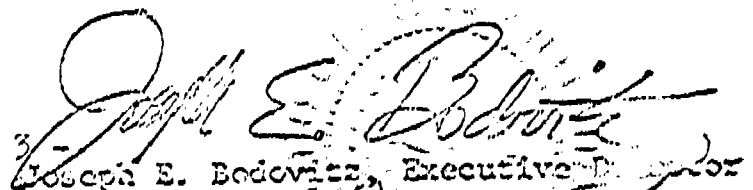
Dated June 6, 1984, at San Francisco, California.

LEONARD M. GRIMES, JR.
President

VICTOR CALVO
DONALD VIAL
WILLIAM T. BAGLEY
Commissioners

Commissioner Priscilla C. Grew,
being necessarily absent, did not
participate.

I CERTIFY THAT THIS DECISION
WAS APPROVED BY THE ABOVE
COMMISSIONERS TODAY.

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Joseph E. Bodovitz, Executive Director

3. The Passenger Operations Branch will issue the annual renewable certificate on Form PE-695 as authorized by Resolution PE-303 when it receives CHP clearances and evidence of liability protection in compliance with General Order Series 115.

4. In providing service under the certificate, applicant shall comply with General Orders Series 98 and 115 and the CHP safety rules.

5. This certificate does not authorize the holder to conduct any operations on the property of or into any airport unless such operation is authorized by both this Commission and the airport authority involved.

6. The Class B certificate of public convenience and necessity granted by this order does not authorize round-trip sightseeing-tour service, which is not subject to regulation by this Commission. It does, however, permit applicant to offer charter service to a sightseeing-tour operator.

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Dated JUN 6 1984, at San Francisco, California.

LEONARD M. GRIMES, JR.
President

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Commissioners

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