

Decision 84 CS 176

JUN 20 1984

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the applicant (sic)  
of Yellow Limousine Corporation,  
a California corporation, for a  
Class B charter bus certificate  
from home terminal in Newport  
Beach, Orange County, California.

Application 84-04-108  
(Filed April 20, 1984)

O P I N I O N

Yellow Limousine Corporation, a California corporation, has applied for a certificate of public convenience and necessity as a Class B charter-party carrier of passengers (Public Utilities (PU) Code Sections 5371 to 5375).

No other Commission operating authority has been held by applicant.

Applicant states that it has had no experience in the operation of charter services.

Applicant states that it intends to operate a rapid response, high quality limousine service primarily in the Newport-Laguna Beach area. Applicant alleges that the proposed operations are required by the high density of executives and very affluent persons who could use this type of service.

Applicant's initial total assets are \$150,000. It is projected that revenue between January and March 1985 will be \$918,000.

In Exhibit 1 received May 4, 1984, applicant supplemented the financial and operating information contained in its application. Initially, applicant proposes to lease 20 Cadillac limousines,

each with a capacity of more than five passengers.<sup>1/</sup> Applicant contends other limousine services have a three-hour minimum charge of \$105 to \$160; its minimum charge would be \$15 which would enable it to compete with taxicabs. In addition, applicant would paint its limousines yellow and would provide on-call service.

Notice of the filing of this application appeared in the Commission's Daily Transportation Calendar of April 27, 1984. No protests have been received.

#### Discussion

Applicant's proposed operations appear very similar to taxicab operations. We put applicant on notice that the yellow coloration on its vehicles could subject its certificate to challenge for operating as an unauthorized taxicab service; in operating as a charter-party carrier its drivers may not cruise and/or solicit business or operate from taxicab stands, or from passenger loading areas, e.g. at hotels; its vehicles may not be equipped with top lights or taximeters; its rates must be based on time of use, or mileage, or on a combination thereof; its drivers may not pick up passengers without a reservation. However, a \$15 minimum for a specific time interval is permissible.

#### Findings of Fact

1. Applicant has the ability and financial resources needed to obtain the equipment required 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 its home terminal at 2043 Westcliff Drive, Newport Beach.

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<sup>1/</sup> PU Code Section 5359 requires the capacity to exceed five passengers excluding the driver.

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. Applicant's operations must be in conformity with the requirements discussed above.

3. 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 Yellow Limousine Corporation, authorizing it to operate as a Class B charter-party carrier of passengers, as defined in PU Code Section 5383, from a service area with a radius of 40 air miles from applicant's home terminal at 2043 Westcliff Drive, Newport Beach.

2. Applicant shall:

- a. Obtain California Highway Patrol (CHP) clearance for each vehicle to be used in this Class B charter-party operation.
- b. Notify the Commission and CHP of any addition or deletion of vehicle used in the service prior to use.
- c. Establish the authorized service within 360 days after this order is effective.
- d. Remit to the Commission the Transportation Reimbursement Fee required by PU Code § 403 when notified by mail to do so.

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 JUN 20 1984, at San Francisco, California.

LEONARD M. GRIMES, JR.  
President

VICTOR CALVO

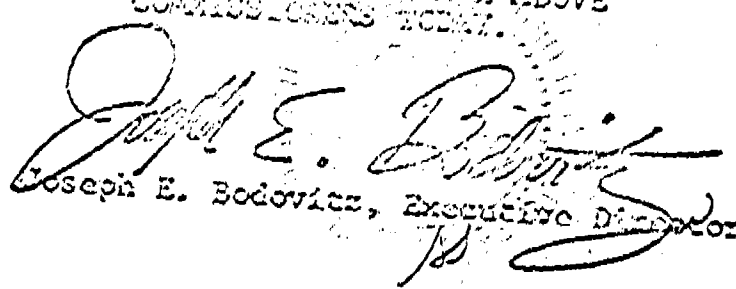
PRISCILLA C. GREW

DONALD VIAL

WILLIAM T. BAGLEY

Commissioners

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

  
Joseph E. Bodovitz, Executive Director

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