

ORIGINAL

Decision S2 03 077 MAR 18 1981

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application )  
of AMERICAN WHEELS TRANSPORT SER- )  
VICE for a Class B charter bus )  
certificate from home terminal )  
in Vista, California. )

Application 60909  
(Filed September 16, 1981)

Joseph E. Barrett, for applicant.  
James C. Ruane, for Goodall's Charter  
Bus Service, Inc., protestant.  
David Callender, for Sundance Stage  
Lines, Inc., interested party.

O P I N I O N

Applicant American Wheels Transport Service requests authority to operate as a Class B charter-party carrier of passengers from its home terminal in Vista, California. Applicant proposes to provide this service with one 44-passenger 1968 GMC school bus it owns, modified for the type of service proposed.

The application was protested by Goodall's Charter Bus Service, Inc. (Goodall's) and by Vista Charter Service, Inc. (Vista), holders of Class A charter bus certificates, who have headquarters located within the origination area for applicant's charter trips if applicant is granted the requested authority.

Following notice a public hearing was held in Los Angeles on December 17, 1981 under Public Utilities (PU) Code Section 5375.1 before Administrative Law Judge W. A. Turkish, and the matter was submitted. Protestant Vista did not appear.

Testifying on behalf of applicant was Steven Janzer, general manager of American Ambulance Service, Inc., the parent company of applicant.

Testimony of applicant's witness was essentially as follows:

1. American Ambulance Service, Inc. is a California-regulated emergency medical service provider in northern San Diego County since 1980.
2. As a conjoint service, applicant proposes to provide transportation to a very small segment of the public, namely, handicapped and retarded children and adults.
3. Specialized transportation for this class of passengers is at a critical level in north San Diego County. There are no existing charter carriers catering to the transportation needs of this group.
4. Among stated supporters and proposed clients of the proposed service are the following organizations:
  - a. The Special Olympics Program in north San Diego County.
  - b. New Haven Home for Retarded Girls.
  - c. Home of Guiding Hands.
  - d. Los Ninos Center.
  - e. Muscular Dystrophy Association, San Diego.
  - f. North County Blind Activity Center.

5. The driver of the vehicle to be used for the proposed service will be required to be a licensed emergency medical technician with special training in psychology and special handling of the handicapped.
6. The vehicle to be used in providing the proposed service is equipped with basic life-support apparatus, such as oxygen, demand valve, trauma box, and folding stretcher. It is radio-equipped for communication with applicant's base station as well as equipped with a 40-channel CB radio and stereo cassette system for entertainment while en route.
7. The vehicle for the proposed service has been modified to provide a chair ramp and tie-downs for wheelchairs. Six bench seats along one wall have been removed so that the area may be used by wheelchair passengers. The bus interior is well-padded to prevent injuries.
8. Applicant does not intend to provide charter service to the public as a whole.
9. Although applicant has not established any tariff for the proposed service, it intends to charge by vehicle mileage, time of use, or a combination of the two.
10. The latest opening financial statement of applicant shows assets of \$21,858 with no liabilities. Liability insurance of \$1,000,000 is carried with the James S. Kemper Insurance Agency, Los Angeles.

Following the testimony of applicant's witness, protestant Goodall's agreed to withdraw its protest to the application if applicant agreed to a restriction in the requested certificate limiting the proposed service to the transportation of the handicapped or retarded (children and adults). Upon agreement to this restriction by applicant at the hearing, Goodall's withdrew its protest.

Findings of Fact

1. There is a substantial need for the charter-party service proposed by applicant.

2. Applicant has the ability, experience, equipment, and financial resources to perform the proposed one-bus charter service limited to retarded or handicapped passengers and driven by a licensed emergency medical technician to be authorized in the order which follows.

3. Public convenience and necessity require the service proposed by applicant.

4. Goodall's serves the sought territory but is not providing adequate service for the retarded or handicapped public, and, therefore, Goodall's service is not satisfactory to the Commission.

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 subject to the restriction stipulated to by applicant and protestant.

2. Applicant should be authorized to pick up passengers within a radius of 40 air miles from his home terminal.

3. Applicant is advised that should circumstances change in the future and applicant wishes to have the restriction removed from its certificate, application for this removal may be made to the Commission.

4. Since the protests have been withdrawn and applicant should proceed without delay in providing the proposed service, the order should be effective today.

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 American Wheels Transport Service authorizing it 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 1945 West Vista Way, Vista.

2. Applicant's service shall be restricted to the transportation of retarded or handicapped passengers by operation of one bus.

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

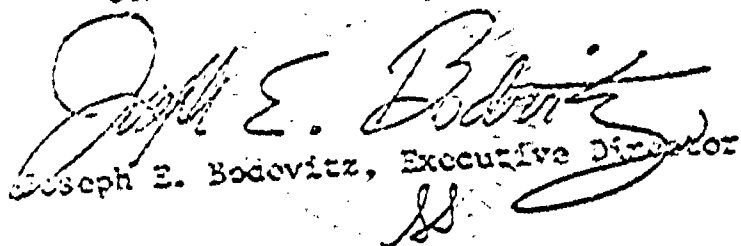
4. In providing service under the certificate, applicant shall comply with General Orders Series 98 and 115, and the California Highway Patrol safety rules.

This order is effective today.

Dated MAR 16 1982, at San Francisco, California.

JOHN E. BRYSON  
President  
RICHARD D. GRAVELLE  
LEONARD M. CRIMES, JR.  
VICTOR CALVO  
PRISCILLA C. CREW  
Commissioners

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

  
Joseph E. Bodevitz, Executive Director