

Decision 82 03 001 MAR 16 1982

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
GERALD AUSTIN SHERMAN, dba TIMBERLINE  
CHARTER, for a Class "B" certificate  
to operate as a charter-party carrier  
of passengers, Newbury Park, Ca.

Application 61059  
(Filed November 18, 1981)

O P I N I O N

Gerald Austin Sherman, an individual doing business as Timberline Charter, seeks a Class B charter-party carrier of passengers certificate to operate from his home terminal at 3286 Frankie Drive, Newbury Park.

The application was served upon nine entities thought by Sherman to have an interest in the application, including Greyhound Lines, Inc. (Greyhound), California Coast Charter, Great American Stage Lines, Inc., and Get-A-Way Lines, Inc. It was noticed on the Commission's Daily Calendar.

Greyhound filed a protest, and a hearing was scheduled. However, the matter was taken off calendar at the request of the parties. It was stipulated in writing between Greyhound and Sherman that the protest of the former was withdrawn and the application of the latter was limited to one (1) bus only, subject to Commission approval.

The Transportation Division has no objection to the granting of the requested authority. A public hearing is not necessary.

The application shows that Sherman is an experienced driver of various types of buses, that he owns a 1969 International bus with a capacity of 44 passengers, and that his financial resources are adequate to provide the proposed service. Sherman's proposed service will reduce single-passenger vehicle traffic in the service area.

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 to be authorized in the order which follows.

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

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

5. A public hearing would have been scheduled in accordance with Public Utilities Code § 5375.1, but since all parties agreed to a certificate with certain restrictions, the hearing would have served no useful purpose.

6. 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 Greyhound.

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 his certificate, application for this removal may be made to the Commission.

4. Since the protest has 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 Gerald Austin Sherman authorizing him to operate as a Class B charter-party carrier of passengers, as defined in Public Utilities Code § 5383, from a service area with a radius of 40 air miles from his home terminal at 3286 Frankie Drive, Newbury Park.

2. Applicant's service shall be restricted to the 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.

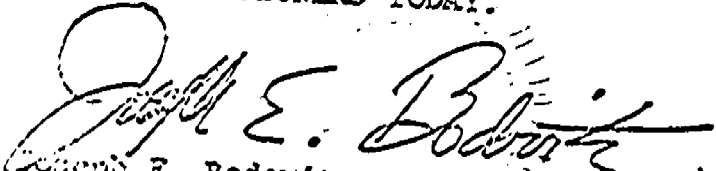
4. In providing service under the certificate, applicant shall comply with General Orders Series 98 and 115, and the California Highway Patrol safety rules.

This order is effective today.

Dated MAR 16 1982, at San Francisco, California.

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

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

  
Joseph E. Bodovitz, Executive Director