

ORIGINAL

Decision 82 03 003 MAR 15 1982

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
CHARLES G. UNSER, dba SCENIC COACH )  
LINES, for a Class B charter bus )  
certificate from home terminal at )  
117 East 8th Street, #200 C, Long )  
Beach, California, 90813. )

Application 61063  
(Filed November 18, 1981)

O P I N I O N

Charles G. Unser, an individual doing business as Scenic Coach Lines, seeks a Class B charter-party carrier of passengers certificate to operate from his home terminal at 117 East 8th Street, Long Beach.

The application was served upon 41 entities thought by Unser to have an interest, including Greyhound Lines, Inc. (Greyhound). 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 It was stipulated in writing between Greyhound and Unser that the protest of the former was withdrawn and the application of the latter was limited to two (2) buses only, subject to Commission approval.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 Unser is an experienced driver of various types of buses, that he owns a 1964 Eagle bus with a capacity of 46 passengers, and that his financial resources are adequate to provide the proposed service. Unser's proposed service will reduce single-passenger vehicle traffic in the service area.

Findings of Fact

1. Public convenience and necessity require that the service proposed by Unser be authorized.
2. Unser possesses satisfactory fitness and financial responsibility to conduct the proposed service.
3. Unser's terminal is located at 117 East 8th Street, Long Beach.
4. A public hearing is not required.
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.
6. The requested authority is limited to two buses.
7. 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.
8. A public hearing would have been scheduled in accordance with Public Utilities (PU) Code § 5375.1, but since all parties agreed to a certificate with certain restrictions, the hearing would have served no useful purpose.

Conclusions of Law

1. Public convenience and necessity have been demonstrated and a certificate should be granted subject to the restriction stipulated to by Unser and protestant.
2. Unser should be authorized to pick up passengers within a radius of 40 air miles from his home terminal.
3. Unser is advised that should circumstances change in the future and Unser 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 Unser 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 Charles G. Unser 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 117 East 8th Street, Long Beach.

2. Unser's service shall be restricted to the operation of two buses.

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.

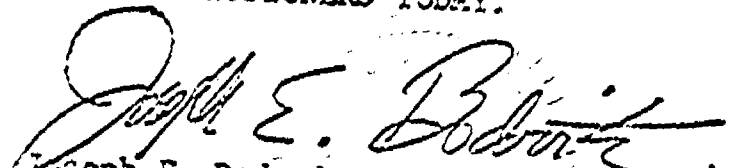
4. In providing service under the certificate, Unser shall comply with General Orders Series 98 and 115, and the California Highway Patrol safety rules.

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